

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4

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6 IN RE: NATIONAL PRESCRIPTION) Case No.
7 OPIATE LITIGATION) 1:17-MD-2804
8 APPLIES TO ALL CASES) Hon. Dan A. Polster
9 -----x

10
11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
12 CONFIDENTIALITY REVIEW
13 VIDEOTAPED DEPOSITION OF PAMELA HINKLE

14 WASHINGTON, D.C.

15 THURSDAY, JANUARY 24, 2019

16 9:06 A.M.
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23

24 Reported by: Leslie A. Todd

1 Deposition of PAMELA HINKLE, held at the law
2 offices of:

3

4

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7 Suite 1000

8 Washington, D.C. 20036

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10

11

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13 Pursuant to notice, before Leslie Anne Todd,
14 Court Reporter and Notary Public in and for the
15 District of Columbia, who officiated in
16 administering the oath to the witness.

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1 A P P E A R A N C E S

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15 DANIEL HOLMSTOCK (Videographer)

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1 C O N T E N T S

2 EXAMINATION OF PAMELA HINKLE PAGE

3 By Mr. Baker 12, 299

4 By Mr. DeRoche 238

5

6 E X H I B I T S

7 (Attached to transcript)

8 CVS-HINKLE DEPOSITION EXHIBITS PAGE

9 No. 40 E-mail re FW: Top 10 Report Review,
10 Bates CVS-MDLT1-000019491 300

11 No. 41 E-mail string re FW: Attorney/Client
12 Privileged Information, Bates
13 CVS-MDLT1-000083855 to 000083856 48

14 No. 203 E-mail string The CVS Retunement,
15 Bates CVS-MDLT1-000022040 to
16 000022053 259

17 No. 207 Required Headcount to Complete
18 IRR SOM Process, Bates CVS-MDLT1-
19 000029884 263

20 No. 223 E-mail string re IRR Recap...
21 Privileged and Confidential/
22 Attorney Client Privilege, Bates
23 CVS-MDLT1-000110414 (with
24 attachment) 271

1	E X H I B I T S (Continued)		
2	(Attached to transcript)		
3	CVS-HINKLE DEPOSITION EXHIBITS		PAGE
4	No. 228	IRR dated October 2nd, 2011,	
5		Bates CVS-MDLT1-000056304 to	
6		000056341	276
7	No. 229	Document titled "October 2011	
8		Control IRR Recap"	286
9	No. 231	Document titled "November 2011	
10		Control IRR Recap"	296
11	No. 232	IRR recap for November 29, 2011,	
12		Bates CVS-MDLT1-000056888 to	
13		000056908	287
14	No. 500	Dear Registrant letter from the	
15		DEA to CVS TN Distribution, Inc.,	
16		dated December 27, 2007, Bates	
17		CVS-MDLT1-000115464 to 000115466	187
18	No. 508	Document titled "List I Chemicals	
19		(PSE, EPH) and Control Drug Policy	
20		& Procedure, Bates CVS-MDLT1-	
21		000009812 to 000009814	206
22	No. 509	E-mail string re IRR Narratives,	
23		Bates CVS-MDLT1-000109803 to	
24		000109806	216

1	E X H I B I T S (Continued)		
2	(Attached to transcript)		
3	CVS-HINKLE DEPOSITION EXHIBITS		PAGE
4	No. 511	E-mail string re IRR Narratives,	
5		Bates CVS-MDLT1-000109843 to	
6		000109859	220
7	No. 512	CVS Distribution Center, Controlled	
8		Drug - DEA Standard Operating	
9		Procedures Manual, Bates CVS-MDLT1-	
10		000021018 to 000021083	201
11	No. 513	CVS Corporation, Item Review	
12		Report, Control Drugs, Bates	
13		CVS-MDLT1-000024496 to 000024497	194
14	No. 514	PSE IRR Recap reports, Bates	
15		CVS-MDLT1-000020397 to 000020412	102
16	No. 516	E-mail string re IRR/SOM	
17		Retunement BSR_LOG_61148, Bates	
18		CVS-MDLT1-000057759	26
19	No. 522	E-mail re Emailing: DEA Speaking	
20		Points IRR.ppt, Bates CVS-MDLT1-	
21		000088134 to 000088146	73
22	No. 523	E-mail re FW: [Blank], Bates	
23		CVS-MDLT1-000020425 to 000020428	
24		(with attachment)	150

1	E X H I B I T S (Continued)		
2	(Attached to transcript)		
3	CVS-HINKLE DEPOSITION EXHIBITS	PAGE	
4	No. 536	E-mail re Justication (2).docx,	
5		Bates CVS-MDLT1-000033498 to	
6		000033499	81
7	No. 538	E-mail string re FW: The CVS	
8		Retunement Attorney Client	
9		Privilege, Bates CVS-MDLT1-	
10		000022040 to 000022053	59
11	No. 550	E-mail string re Attorney	
12		Privileged and confidential,	
13		Bates CVS-MDLT1-000100265 to	
14		000100268	97
15	No. 554	E-mail re DEA Closing Remarks,	
16		Bates CVS-MDLT1-000008385 to	
17		000008386	179
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1 P R O C E E D I N G S

2 -----

3 THE VIDEOGRAPHER: We are now on the
4 record. My name is Daniel Holmstock. I am the
5 videographer for Golkow Litigation Services.

6 Today's date is January 24, 2019. The
7 time on the video screen is 9:06 a.m.

8 This deposition is being held at the law
9 offices of Zuckerman Spaeder, LLP, at 1800 M
10 Street, Northwest, Suite 1000, in Washington,
11 D.C., in the matter of In Re: National
12 Prescription Opiate Litigation, MDL No. 2804,
13 pending before the United States District Court
14 for the Northern District of Ohio, Eastern
15 Division.

16 The deponent today is Pam Hinkle.

17 Counsel will be noted for appearances on
18 the stenographic record.

19 The court reporter is Leslie Todd, who
20 will now administer the oath.

21 PAMELA HINKLE,

22 and having been first duly sworn,

23 was examined and testified as follows:

24 DIRECT EXAMINATION

1 BY MR. BAKER:

2 Q Your name is Pam Hinkle?

3 A Yes, sir.

4 Q And are you represented by Ms. Miller
5 sitting next to you?

6 A Yes, sir.

7 Q Okay. Ms. Miller also represents CVS?

8 A Yes, sir.

9 Q Okay. Where are you employed?

10 A Where?

11 Q Where are you employed?

12 A CVS.

13 Q There are certainly different names for
14 CVS entities. Which entity employs you?

15 MS. MILLER: Object to form.

16 THE WITNESS: CVS Logistics.

17 BY MR. BAKER:

18 Q Okay. Throughout this deposition, there
19 will be many times that Ms. Miller says "Object"
20 or "Object to form." Just so you know, that --
21 she's probably told you, but I'm just going to
22 repeat it -- that that doesn't mean that you
23 should fail to answer the question. It's just
24 what lawyers do is they object, and then that just

1 preserves the opportunity later to maybe go to a
2 judge to try to reformulate something referencing
3 the question or the answer.

4 So I don't want you to be thrown off,
5 and I don't want to stop and have a lot of pause
6 between my question and your answer simply because
7 the word "Object to form" or that phrase is said.
8 Okay?

9 A Yes, sir.

10 Q And if she tells you to not answer the
11 question, then that is her prerogative, and you
12 should obey whatever she tells you to do because
13 she is your lawyer. Okay?

14 A Yes, sir.

15 Q But the only time you wouldn't answer is
16 when she says, I'm instructing her not to answer.
17 Okay?

18 And also with my questions, I'm going to
19 try to be as direct as I can be. And I would
20 appreciate it in response if you could be as
21 direct in the response as you could be too. It
22 will help us move through this smoothly, and I
23 would appreciate it if you would do that. Okay?

24 A Yes, sir.

1 Q All right.

2 MS. MILLER: I'm going to just object to
3 the opening.

4 BY MR. BAKER:

5 Q All right. So CVS Logistics, that's the
6 department within which you work at CVS, correct?

7 A Yes, sir.

8 Q All right. What is the name of the
9 company that you work for?

10 A CVS.

11 Q Okay. All right. So what is your job
12 title -- what -- tell me when you first -- strike
13 all that.

14 When did you first go to work for CVS?

15 A 1977.

16 Q And what was your job at that time?

17 A General warehouse.

18 Q Which warehouse did you work at?

19 A In the Knoxville distribution center.

20 Q And what were your duties?

21 A General warehouse. Just different
22 things: Picking, inventory control, just general
23 warehouse at that point.

24 Q Did any of that have to do with

1 controlled substances or not?

2 A No, sir.

3 MS. MILLER: Object to form.

4 Just give me a chance --

5 BY MR. BAKER:

6 Q Ma'am --

7 MS. MILLER: -- after he asks his

8 question to object.

9 BY MR. BAKER:

10 Q -- did any of your duties have anything
11 to do with controlled substances in the warehouse
12 at that time?

13 MS. MILLER: Object to form.

14 THE WITNESS: No, sir.

15 BY MR. BAKER:

16 Q Okay. You continued in that position
17 until when?

18 A Approximately 1980s, 1982, '83.

19 Q Then what did your position and title
20 become?

21 A I was a supervisor for our front store
22 products.

23 Q Within the logistics department in
24 Knoxville?

1 A Yes, sir.

2 Q What did that job title entail insofar
3 as daily duties?

4 A I had oversight to the pickers and
5 stockers in the front store warehouse.

6 Q All right. Did those job duties have
7 any connection with any controlled substances or
8 not?

9 A No, sir.

10 Q All right. How long did you remain in
11 that position?

12 A Approximately 1990 -- '97, I went into
13 the pharmacy.

14 Q Okay. And was that in Knoxville?

15 A Yes, sir.

16 Q Okay. Explain the pharmacy, because
17 most people would think of a pharmacy as something
18 in the nature of a store, and -- and you're
19 talking about a pharmacy inside of a distribution
20 center; is that right?

21 MS. MILLER: Object to form.

22 THE WITNESS: Yes, sir.

23 BY MR. BAKER:

24 Q Okay. Explain the nature of a pharmacy

1 within a distribution center as opposed to how
2 somebody might envision it as a pharmacy in a
3 shopping center or a pharmacy in a standalone
4 store.

5 MS. MILLER: Object to form.

6 THE WITNESS: The pharmacy within a
7 distribution center is where you pick, pack and
8 ship. And I oversaw that process in the pharmacy.

9 BY MR. BAKER:

10 Q Okay. So it's the pharmacy department
11 within the warehouse?

12 A Yes, sir.

13 Q Okay. And the pharmacy department
14 within the warehouse, does that include controlled
15 substances?

16 A Yes, sir.

17 Q Were you having anything to do with
18 controlled substances at that point?

19 A Yes, sir.

20 Q And that would have been from 1997 until
21 when?

22 A Approximately 2003 -- '02, '03.

23 Q Okay. What was your promotion in 2003?

24 MS. MILLER: Object to form.

1 BY MR. BAKER:

2 Q What did your job title become in 2002,
3 2003?

4 A The loss prevention manager.

5 Q Was that in the Knoxville distribution
6 center?

7 A Yes, sir.

8 Q What were the duties associated with
9 your job as loss prevention manager from 2000 --
10 2002, 2003 onward?

11 A Oversight to the security of that
12 particular building.

13 Q And did you continue in that position
14 for a period of years?

15 A Yes, sir.

16 Q How many years?

17 A Approximately 2008, I became the
18 regional loss prevention manager.

19 Q Okay. When you were the loss prevention
20 manager in the Knoxville distribution center from
21 2003 to approximately 2008, did your job have any
22 connection with controlled substances?

23 MS. MILLER: Object to form.

24 BY MR. BAKER:

1 Q Go ahead.

2 A Security of the areas, yes, sir.

3 Q What does that mean, the security of the
4 areas in connection with controlled substances?

5 A Ensuring that they are following the
6 guidelines around the security of those areas.

7 Q Such as the -- the vault and the fencing
8 and that sort of thing?

9 MS. MILLER: Object to form.

10 THE WITNESS: It was not a vault. We
11 don't carry C-IIs.

12 BY MR. BAKER:

13 Q Okay.

14 A It would have been just the areas, the
15 secured areas, the caged areas, the DEA-approved
16 areas.

17 Q Okay. Did you have anything to do with
18 monitoring those controlled substances that were
19 within those caged areas?

20 MS. MILLER: Object to form.

21 THE WITNESS: Not in the security
22 capacity, no, sir.

23 BY MR. BAKER:

24 Q Did you have anything to do during those

1 years between 2003 and '08 with the suspicious
2 order monitoring system, if any, at CVS?

3 MS. MILLER: Object to form.

4 THE WITNESS: Not that I recall, sir.

5 BY MR. BAKER:

6 Q All right. What happened in 2008?

7 A 2000 --

8 MS. MILLER: Object.

9 BY MR. BAKER:

10 Q Go ahead.

11 MS. MILLER: Pam, just give me a chance
12 after he asks his question to object. Go ahead.

13 BY MR. BAKER:

14 Q What did your position become in 2008?

15 MS. MILLER: Object to form.

16 BY MR. BAKER:

17 Q You just testified that you worked from
18 2003 to two -- approximately 2008 in the position
19 that you said, and then I asked you what did your
20 position become next in approximately 2008.

21 Is that question clear?

22 MS. MILLER: Object to form.

23 THE WITNESS: Yes, sir, it is clear.

24 BY MR. BAKER:

1 Q What's the answer to that question?

2 A I was the liaison between the
3 distribution centers LP and the operations from a
4 compliance component.

5 Q How long did you remain in that
6 position?

7 A I'm still currently in that position.

8 Q Okay. So I wrote down you're the
9 liaison between the distribution centers loss
10 prevention and operations compliance; is that
11 right?

12 MS. MILLER: Object to form.

13 THE WITNESS: Yes, sir.

14 BY MR. BAKER:

15 Q Okay. So what is the name of your
16 position?

17 A Senior manager.

18 Q Senior manager of what?

19 A Logistics, quality and compliance.

20 Q Let me make sure I have this straight.
21 So from 2008 up to the present time, have you held
22 that position?

23 A Yes, sir.

24 Q And from 2008 to the present time, your

1 position has been senior manager of logistics,
2 quality and compliance. Is that right?

3 A Yes, sir.

4 Q What are your duties in that position?

5 A I support the distribution centers when
6 any of the government agencies visits that they
7 should have. I work with the distribution centers
8 around remodels. If they should be doing a
9 remodel in their pharmacies, what that would
10 involve. I meet with government agencies as
11 needed. Specific to new buildings, when we
12 construct new buildings and getting those
13 approvals, working with those government agencies.

14 Q Since your promotion to senior manager
15 of logistics, quality and compliance in 2008, what
16 involvement have you had in that position with the
17 suspicious order monitoring program as it relates
18 to controlled substances distributed by CVS
19 distribution centers to CVS pharmacies?

20 A I had oversight.

21 Q What does that mean?

22 A I had oversight to reviews for
23 suspicious order monitoring.

24 Q Okay. Could you go into more detail

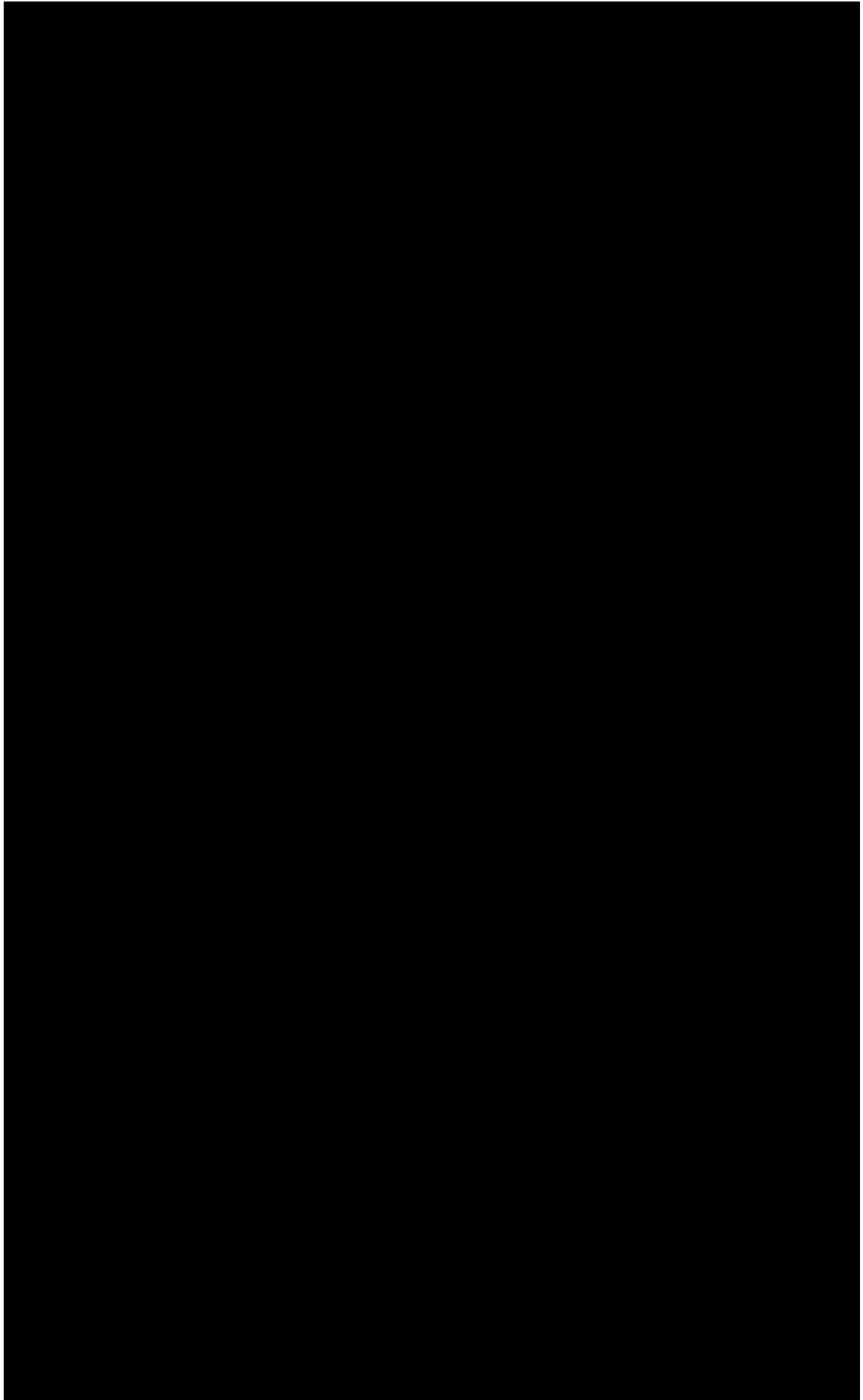
1 about what that means so I could understand what
2 your job duties are in that respect.

3 MS. MILLER: Object to form.

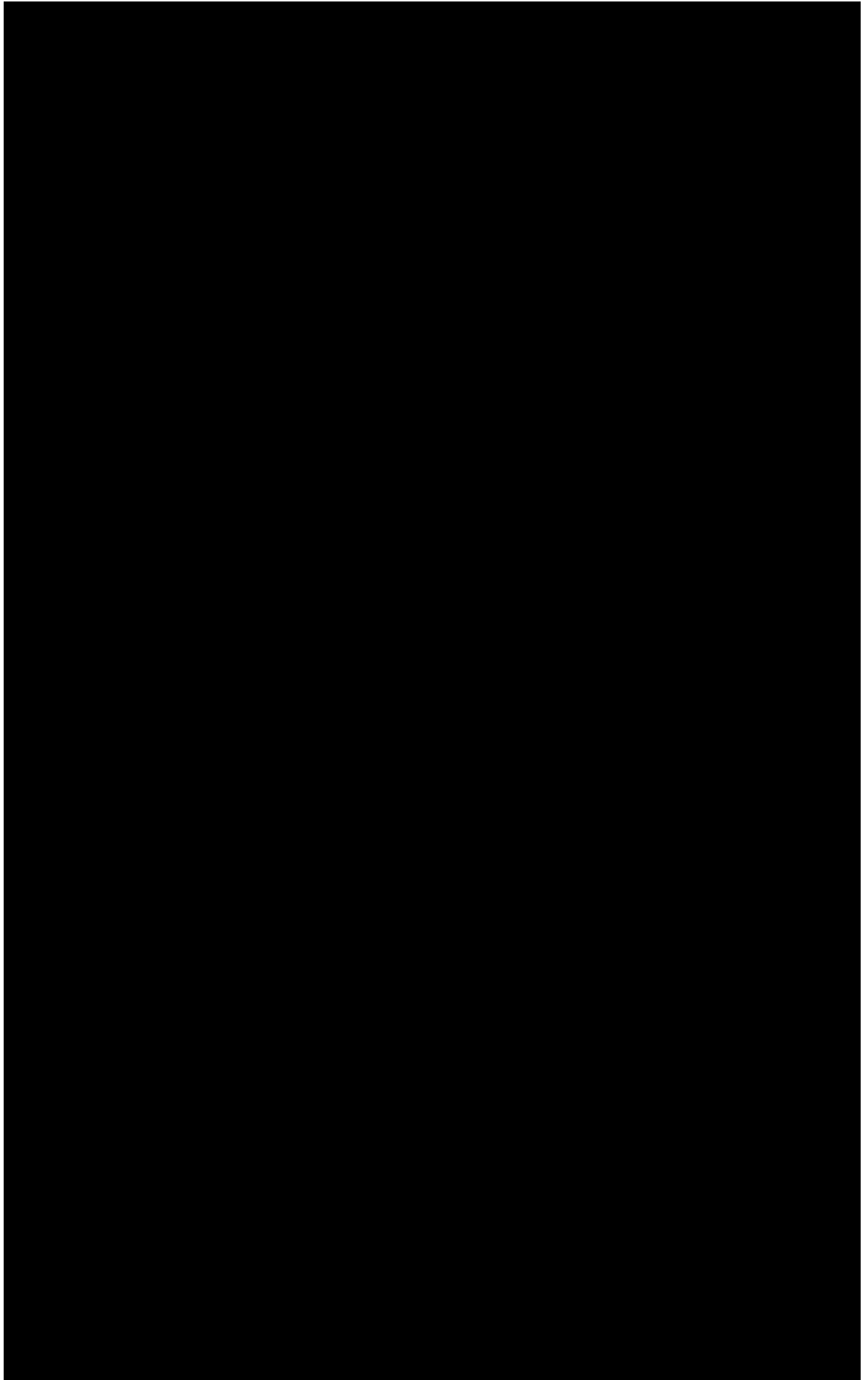
4 THE WITNESS: I had oversight from
5 approximately '11 till roughly the end of '12.

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Q Okay. I want you to assume there was an e-mail that indicated that in March of 2011 that the program had been moved to Knoxville, and that you were taking over the program at that point.

8

Does that sound consistent with the time frame that you think the program moved to

10 Knoxville?

11

MS. MILLER: Object to form.

12

THE WITNESS: That would be approximate, sir.

14

MR. BAKER: Could you pull up

15

number 516, please.

16

(Exhibit No. 516 was premarked for identification.)

18

BY MR. BAKER:

19

Q This is an e-mail that's dated 3/14/11

20

from John Mortelliti to Ellen Demetrius, with a

21

copy going to you. And it says: "The IRR process

22

has been shifted to our Knoxville DC with the LP

23

analyst position. I have forwarded the info to

24

Pam Hinkle, who will be overseeing the process

1 going forward."

2 Do you see that?

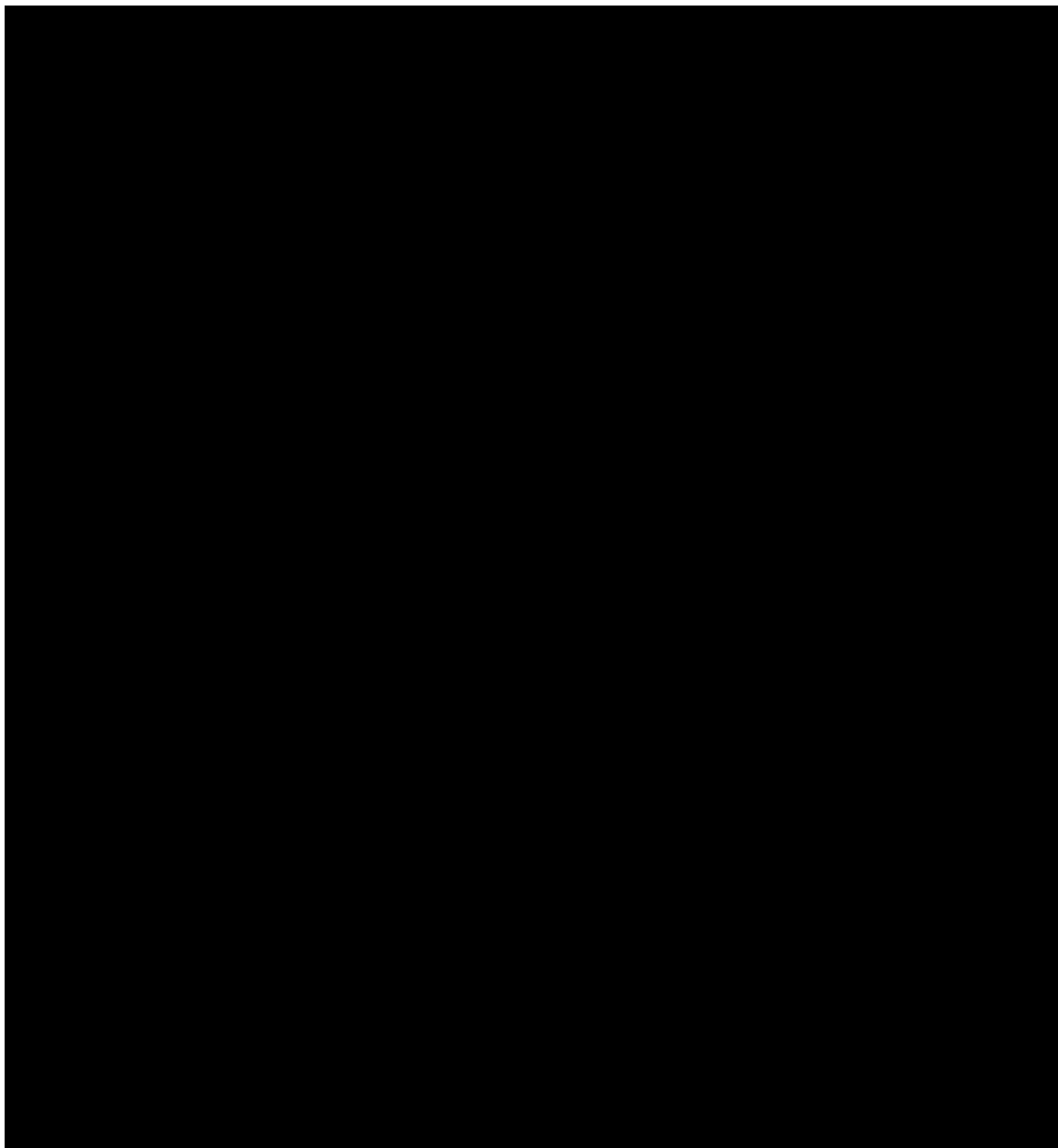
3 A I do see that, sir.

4 Q Is that consistent with when you recall
5 the program moving to Knoxville?

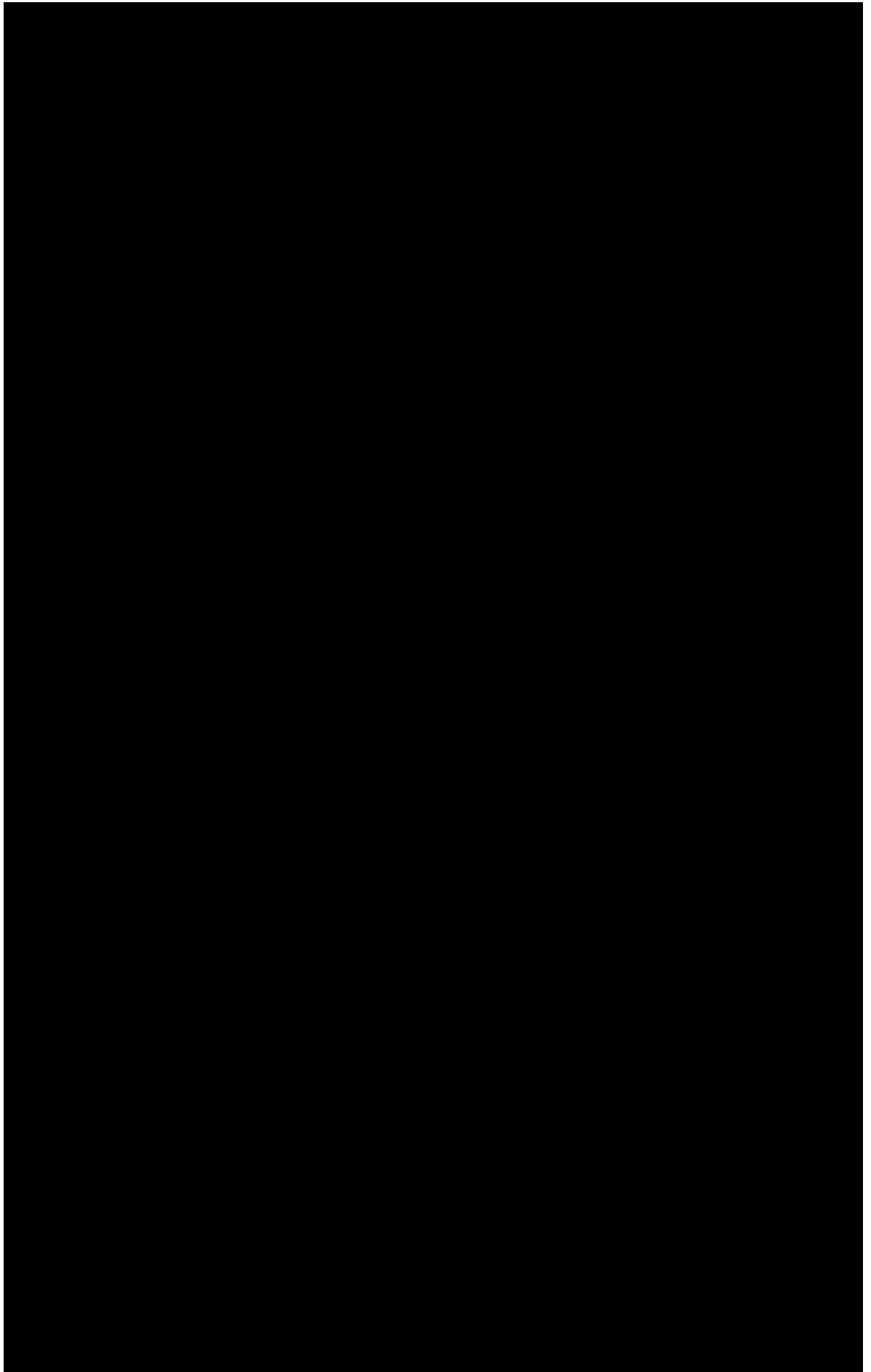
6 MS. MILLER: Object to form.

7 THE WITNESS: That sounds roughly about
8 the time, sir.

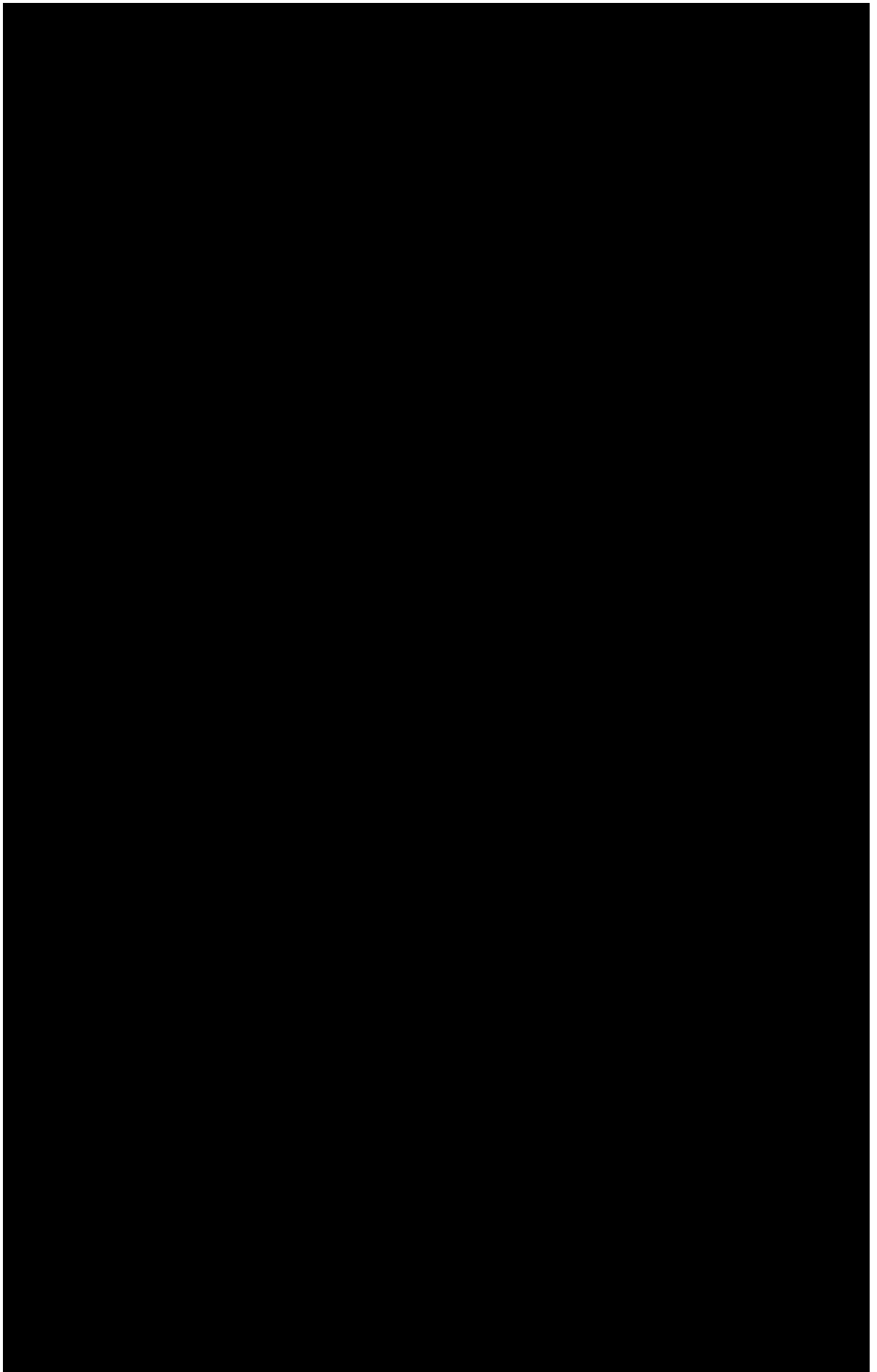
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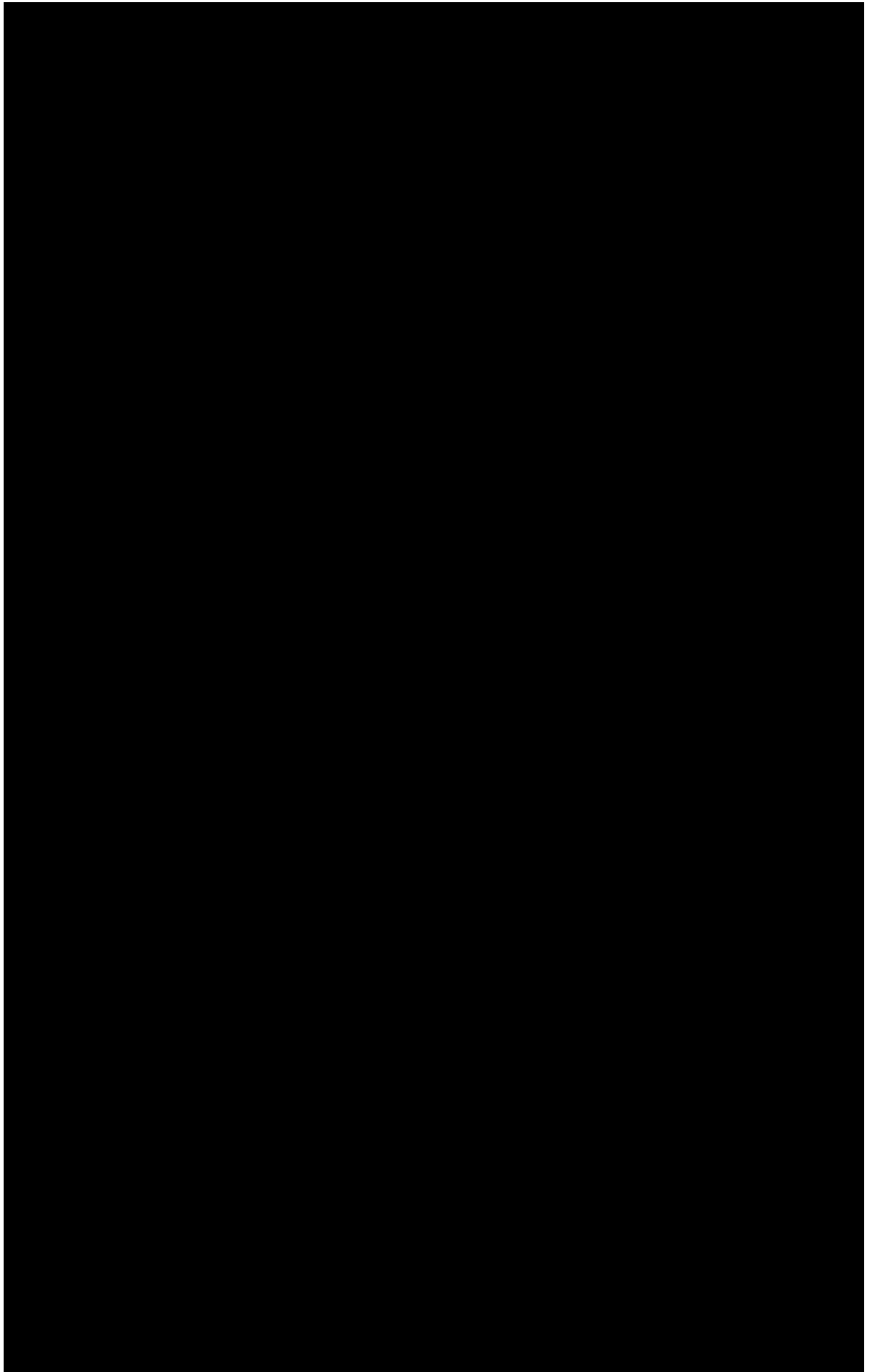
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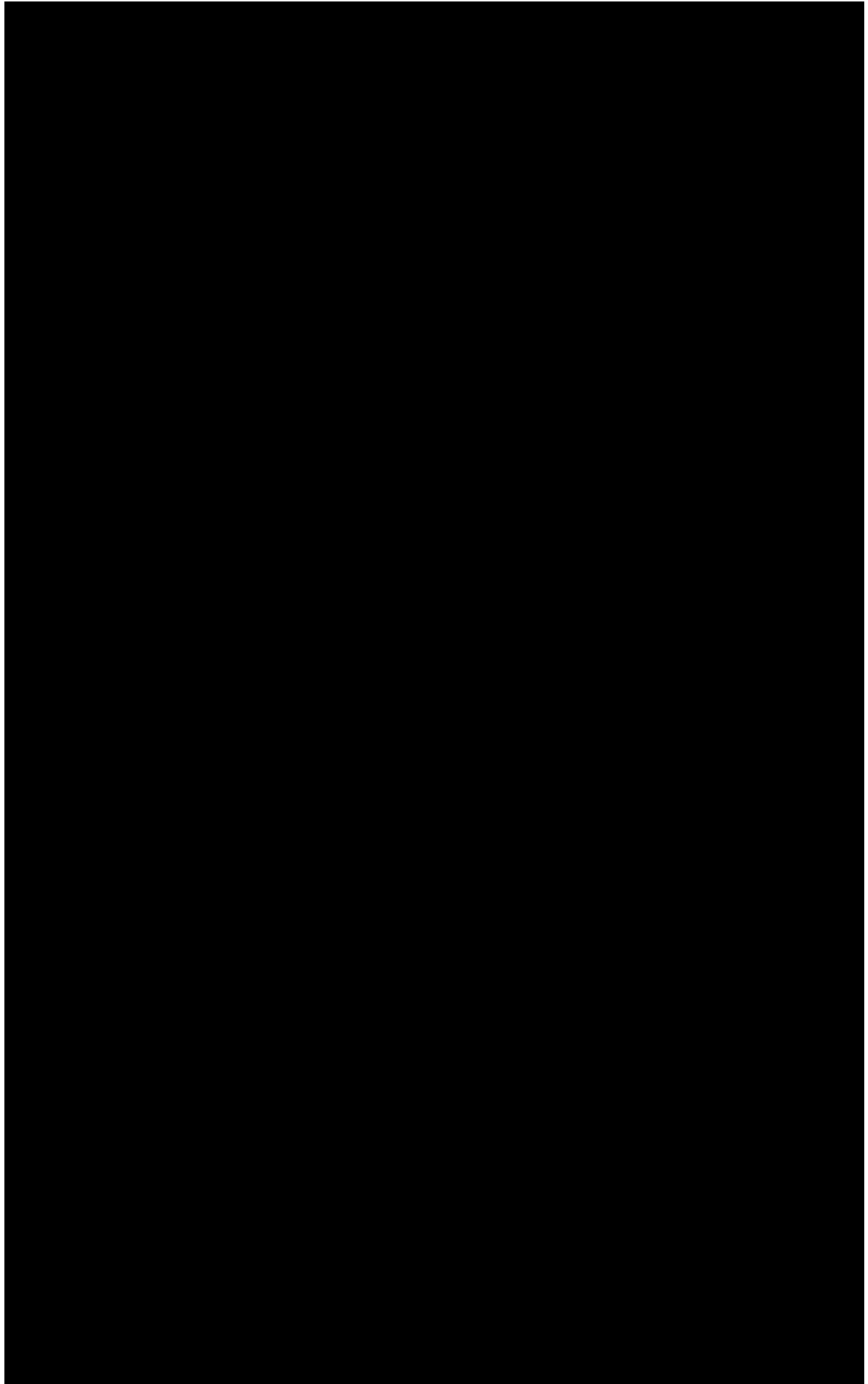
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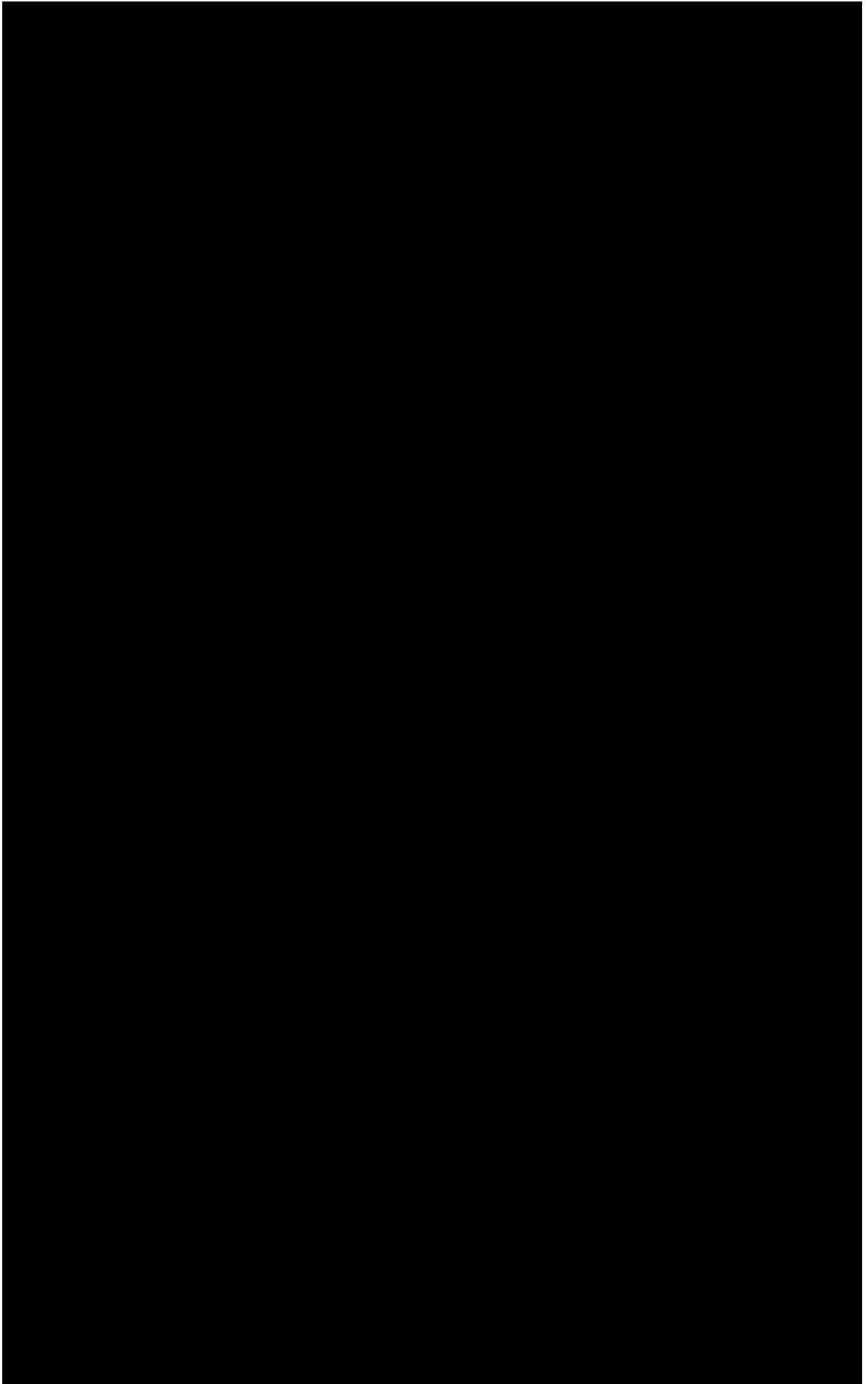
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7 Q Was Mr. Miller one of the first
8 employees to go to work for you there within the
9 suspicious order monitoring program?

10 A Yes, sir.

11 Q Okay. Do you know how long it was after
12 the program first moved to Knoxville before
13 Mr. Miller started doing any duty within the
14 suspicious order monitoring program?

15 MS. MILLER: Object to form.

16 THE WITNESS: I don't recall, sir.

17 BY MR. BAKER:

18 Q Do you know how long Mr. Miller
19 performed duties within the suspicious order
20 monitoring program at Knoxville once he started
21 working there in that program?

22 MS. MILLER: Object to form.

23 THE WITNESS: I -- I don't recall, sir.

24 BY MR. BAKER:

1 Q Do you have any estimation of when that
2 would be?

3 MS. MILLER: Object to form.

4 BY MR. BAKER:

5 Q If you assume the program moved to
6 Knoxville in March of 2011, approximately how long
7 after that was it that Mr. Miller started working
8 within the program?

9 MS. MILLER: Object to form.

10 THE WITNESS: When it moved to
11 Knoxville, Shannon was -- would have been doing
12 the reviews. I don't know the dates, sir.

13 BY MR. BAKER:

14 Q Okay. Would he have been one of the
15 first people to start doing the reviews once the
16 program moved there?

17 A Yes, sir.

18 MS. MILLER: Object to form.

19 BY MR. BAKER:

20 Q And approximately how long did he
21 continue in that position doing the reviews? When
22 you say "the reviews," I assume that means the
23 reviews of the IRRs; is that right?

24 A Yes, sir.

1 Q Okay. And could you explain to me, to
2 the best of your recollection, how long Mr. Miller
3 was in that position reviewing IRRs.

4 A Sir, I don't know the length of time.
5 I'm sorry.

6 Q Okay. How about Mr. Cain, Stephen Cain,
7 what was his position when the program moved to
8 Knoxville?

9 MS. MILLER: Object to form.

10 THE WITNESS: He was hired to conduct
11 the reviews as an analyst, sir.

12 BY MR. BAKER:

13 Q Okay. What was Mr. Cain's position
14 relative -- what were his duties on a daily basis
15 relative to -- to the suspicious order monitoring
16 system in Knoxville?

17 A To review the reports.

18 Q The item review reports?

19 A Yes, sir.

20 Q The IRRs?

21 A Yes, sir.

22 Q So did Mr. Cain do anything different
23 than what Mr. Miller did or did they do the same
24 job?

1 MS. MILLER: Object to form.

2 THE WITNESS: They were doing the same
3 job, sir.

4 BY MR. BAKER:

5 Q Okay. And were they both considered LP
6 analysts?

7 MS. MILLER: Object to form.

8 THE WITNESS: Yes, sir.

9 BY MR. BAKER:

10 Q How long did Mr. Cain work in that
11 position at the Knoxville office?

12 A Sir, I don't recall.

13 Q I'm going to just ask if you would --
14 if -- if you have to reflect, that's fine, but I
15 have a limited amount of time, and if you take
16 that long to answer between questions -- I
17 understand you're reflecting and trying to
18 remember. If you don't remember, then if that's
19 your answer, that's fine, you don't remember. If
20 you do, that's good too. I'd like to know.

21 But I have a limited amount of time
22 today, and if you take that length of time between
23 each question to answer it, I'm not going to be
24 able to get through my questions. Okay. And it's

1 going to take a long time to get through them
2 otherwise. So if you could try to get the flow
3 going a little quicker, I would appreciate it.
4 Okay?

5 All right. So --

6 MS. MILLER: Mr. Baker, the witness can
7 take the time she needs to answer your questions.

8 MR. BAKER: I understand, but it's --
9 it's -- it's every single question is she's taking
10 a good 30 seconds to pause, and it's going to
11 cause me to lose the extent of time I have to go
12 through this deposition.

13 BY MR. BAKER:

14 Q So if you know the answer, great. If
15 you don't, just tell me you don't. Okay?

16 So the next --

17 MS. MILLER: Object to the colloquy.

18 BY MR. BAKER:

19 Q All right. The next question is --

20 MS. MILLER: You can take the time you
21 need to answer the question.

22 BY MR. BAKER:

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4 Q Paul Lawson replaced Stephen Cain?

5 A Yes, sir.

6 Q And what period of time did Aaron

7 Burtner work for you when you were in the

8 Knoxville office?

9 MS. MILLER: Object to form.

10 THE WITNESS: I don't recall, sir.

11 BY MR. BAKER:

12 Q Okay. Did Mr. Burtner replace anybody?

13 A Yes, sir. Shannon Miller.

14 Q Okay. Let me just see if I have it

15 straight. The first two people that worked as LP

16 analysts for you when the SOM program moved to

17 Knoxville were Shannon Miller and Stephen Cain; is

18 that correct?

19 A Yes, sir.

20 Q Okay. And later Paul Lawson replaced

21 Stephen Cain; is that right?

22 A Yes, sir.

23 Q And later Aaron Miller replaced -- Aaron

24 Burtner replaced Shannon Miller; is that right?

1 MS. MILLER: Object to form.

2 THE WITNESS: Yes, sir.

3 BY MR. BAKER:

4 Q Okay. So when the program moved to
5 Knoxville, was there always two LP analysts or
6 were there at times just one LP analyst?

7 MS. MILLER: Object to form.

8 BY MR. BAKER:

9 Q Working for you.

10 MS. MILLER: Object to form.

11 THE WITNESS: There was one when it
12 first moved to Knoxville.

13 BY MR. BAKER:

14 Q Was that Mr. Miller?

15 A Yes, sir.

16 Q Okay. And when did it become two?

17 MS. MILLER: Object to form.

18 THE WITNESS: I don't remember the exact
19 date. It was shortly after it moved to Knoxville,
20 and I -- I don't remember the date, sir.

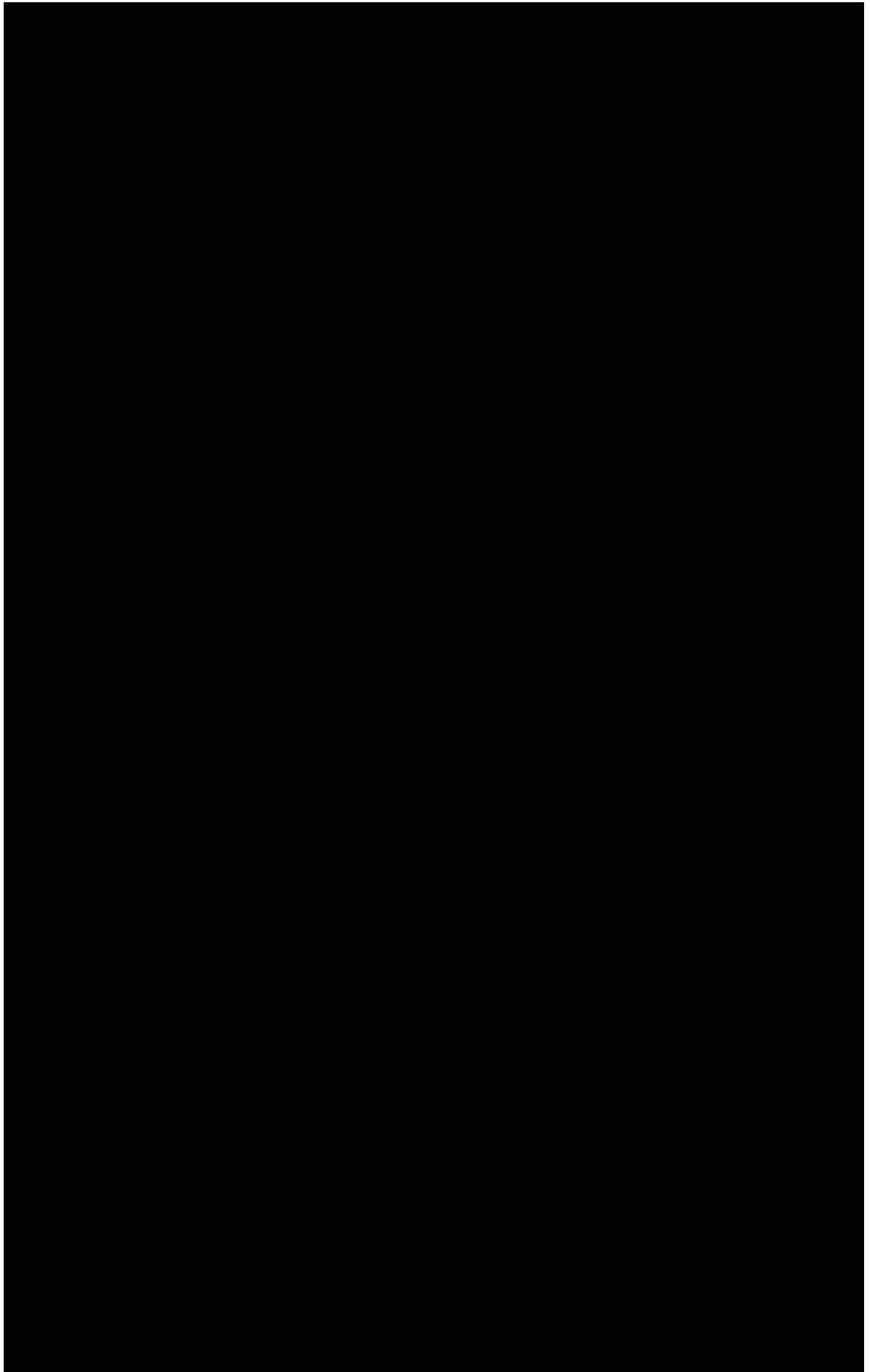
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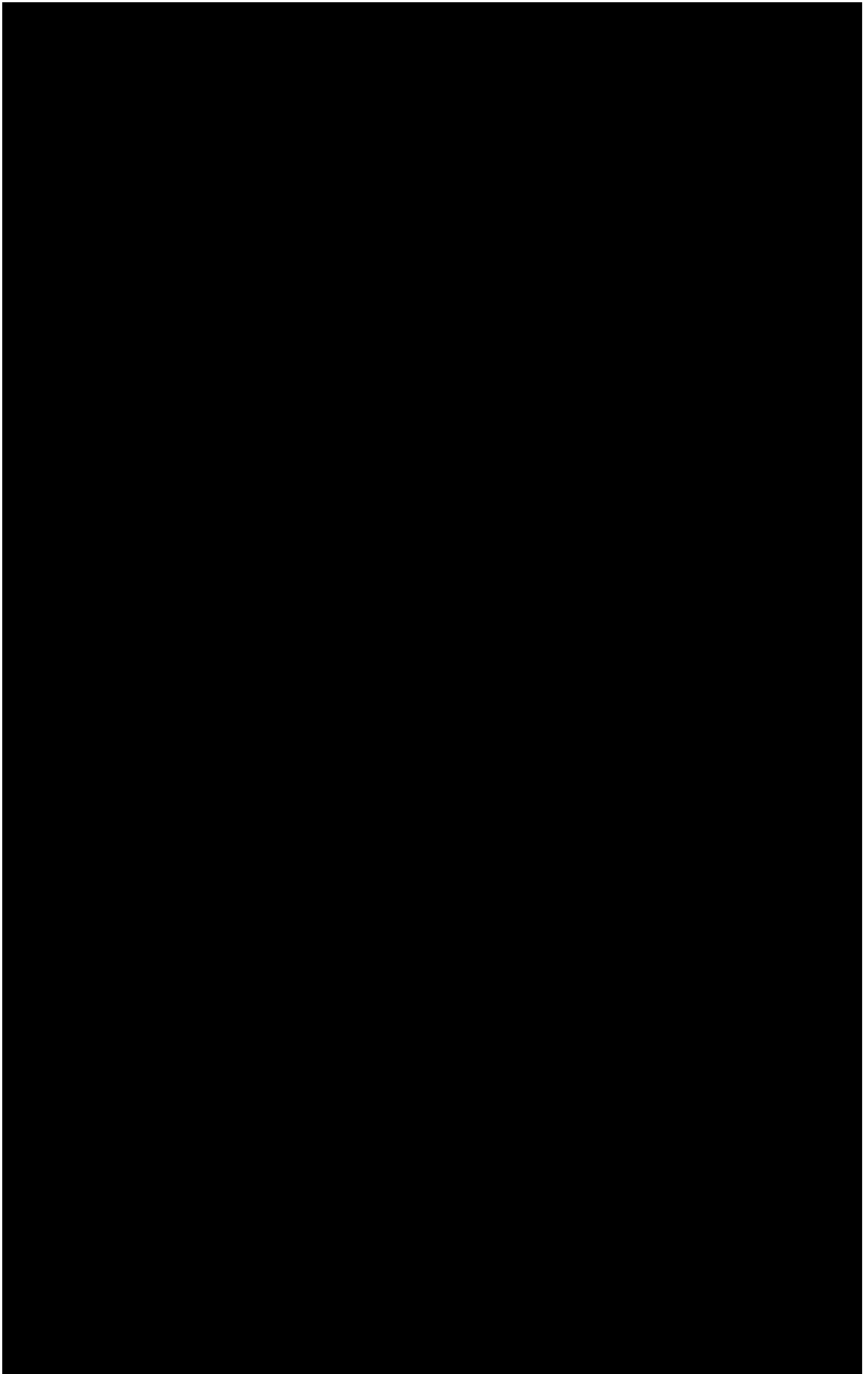
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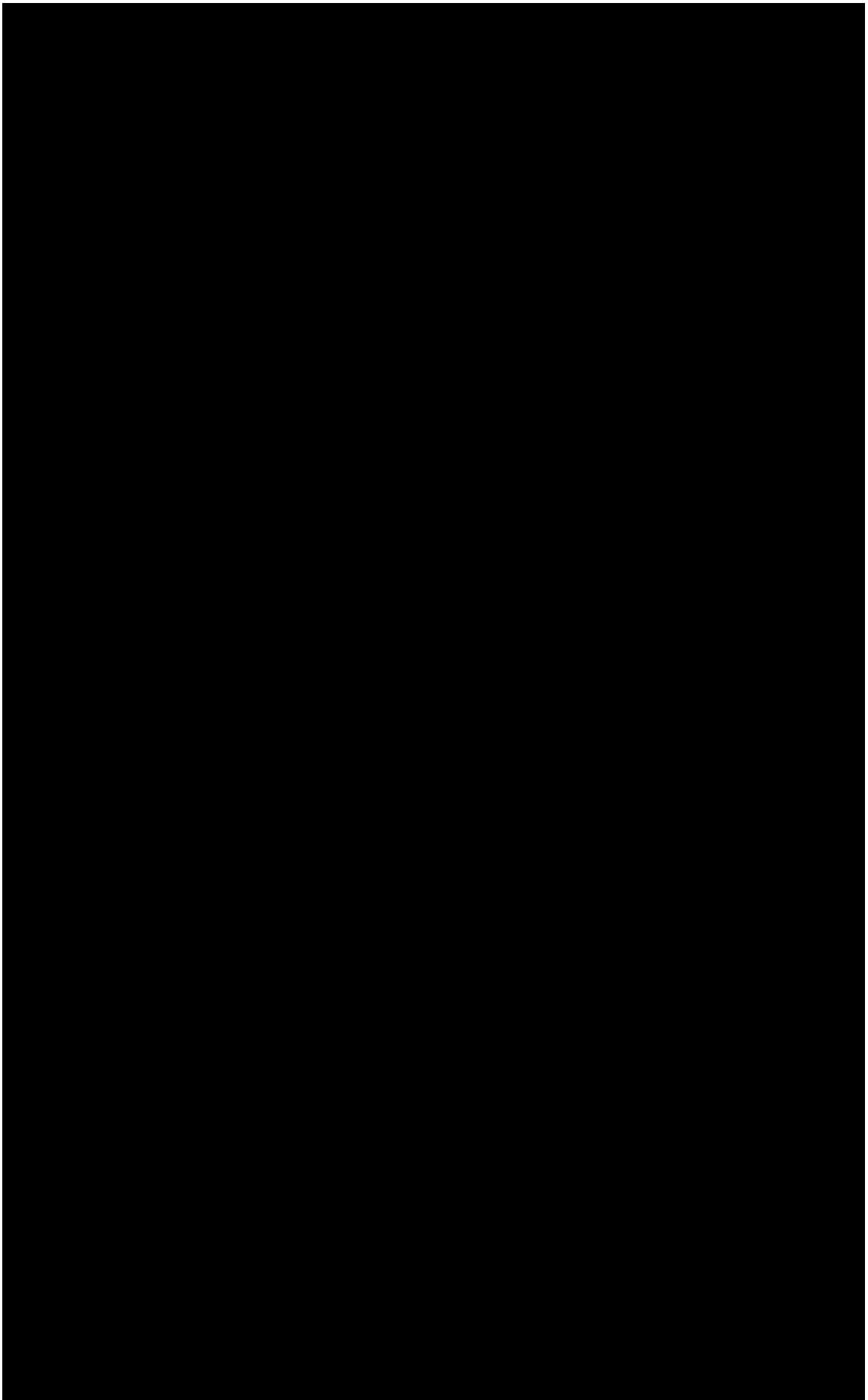
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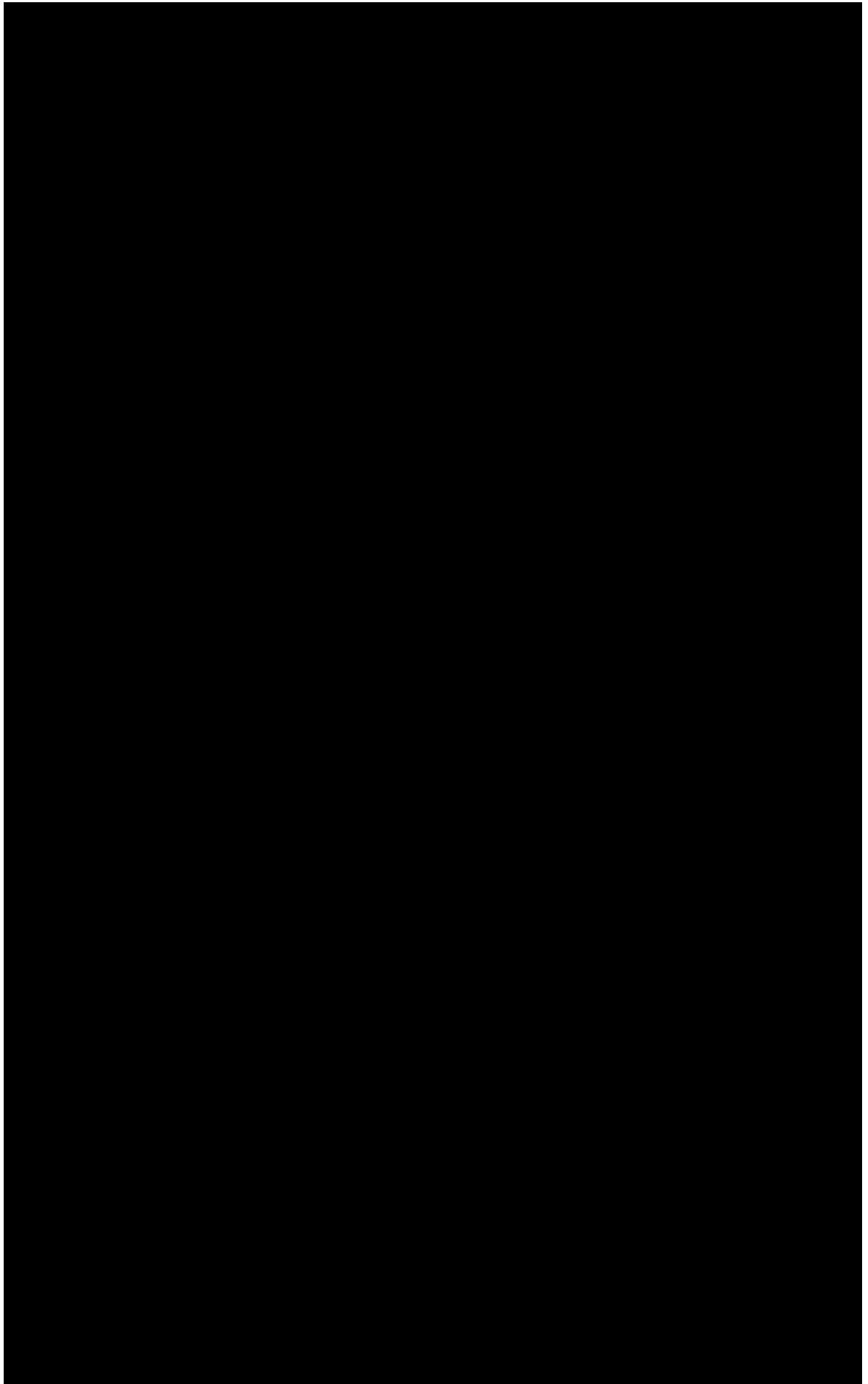
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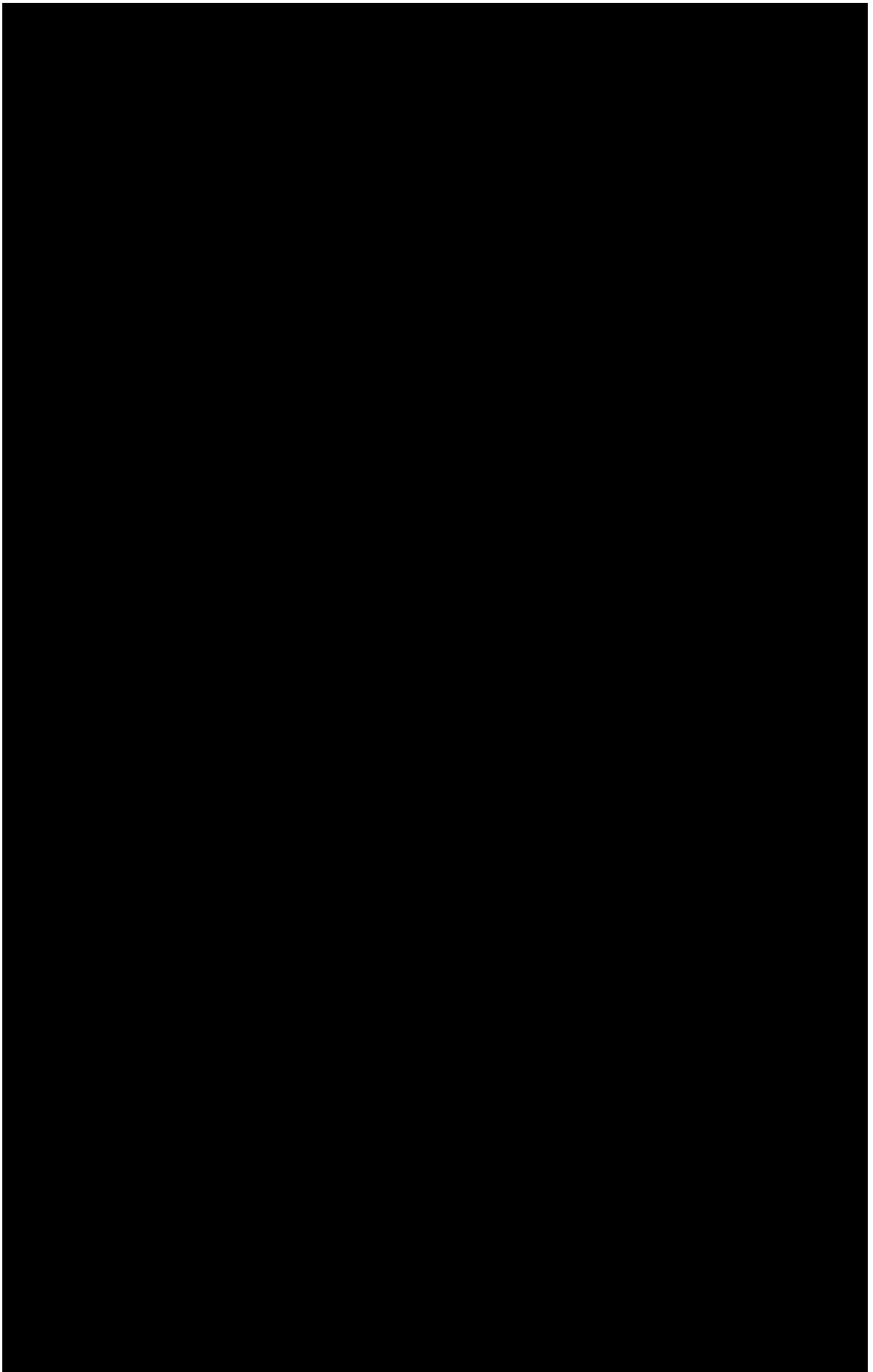
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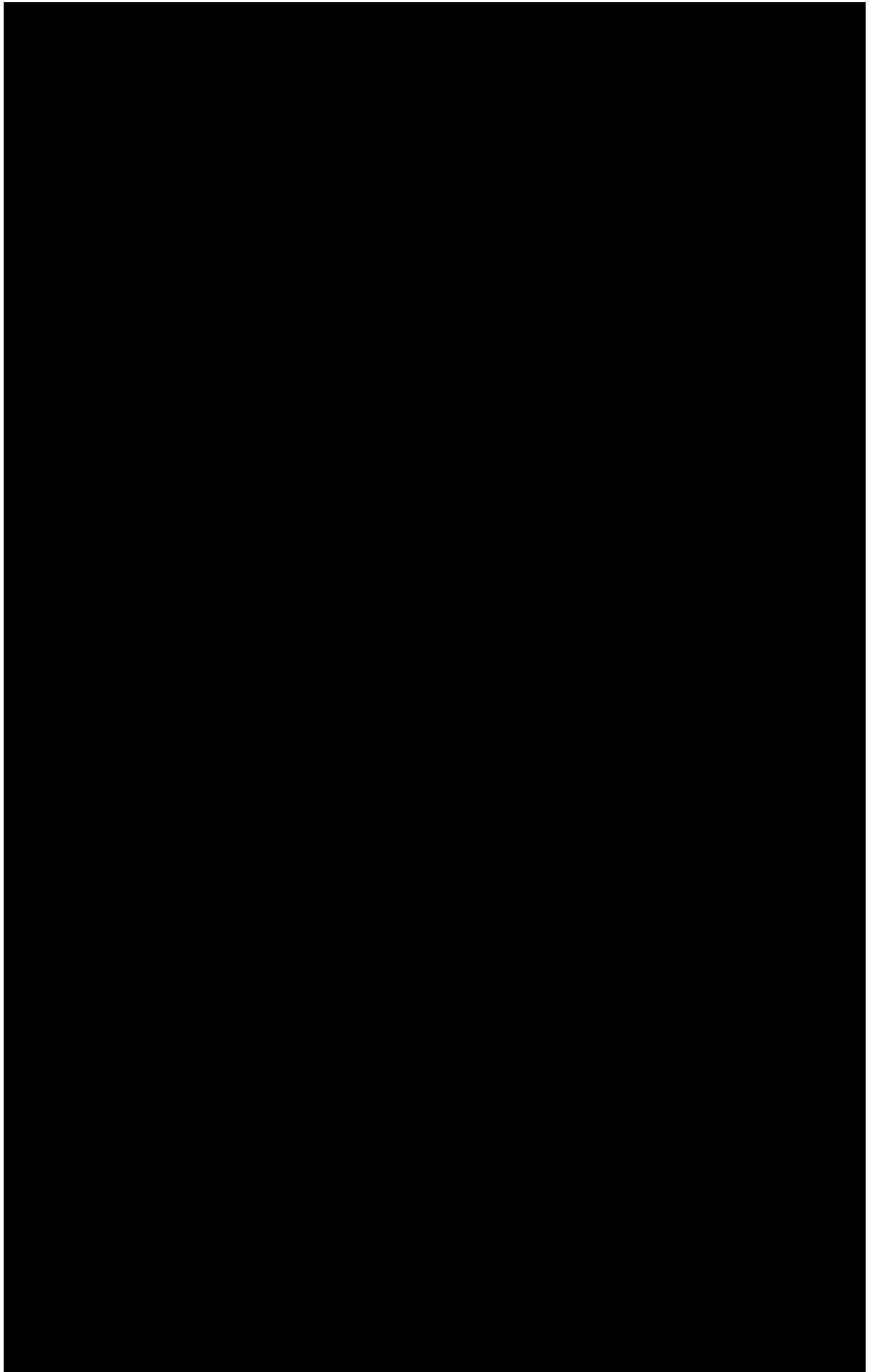
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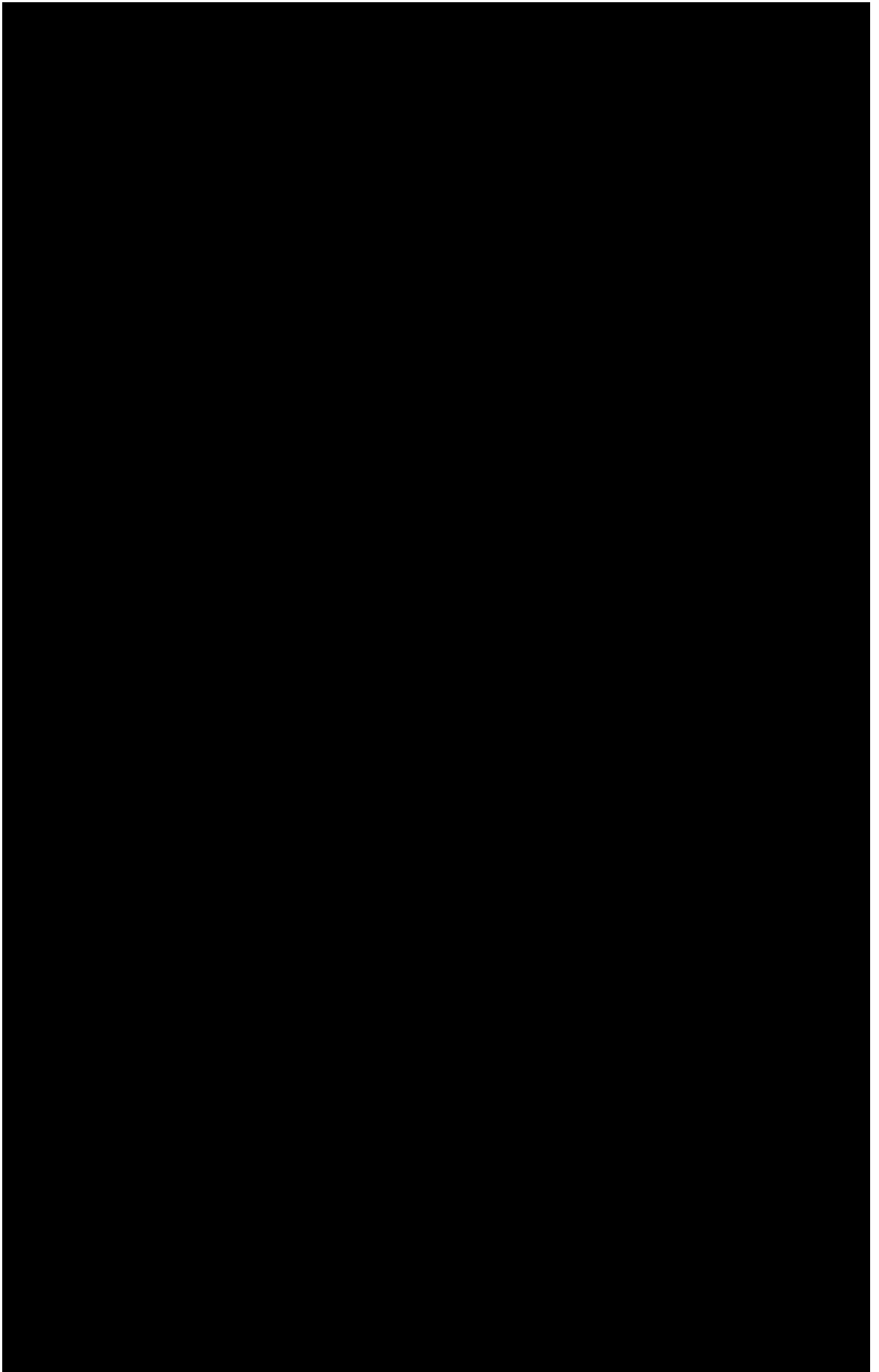
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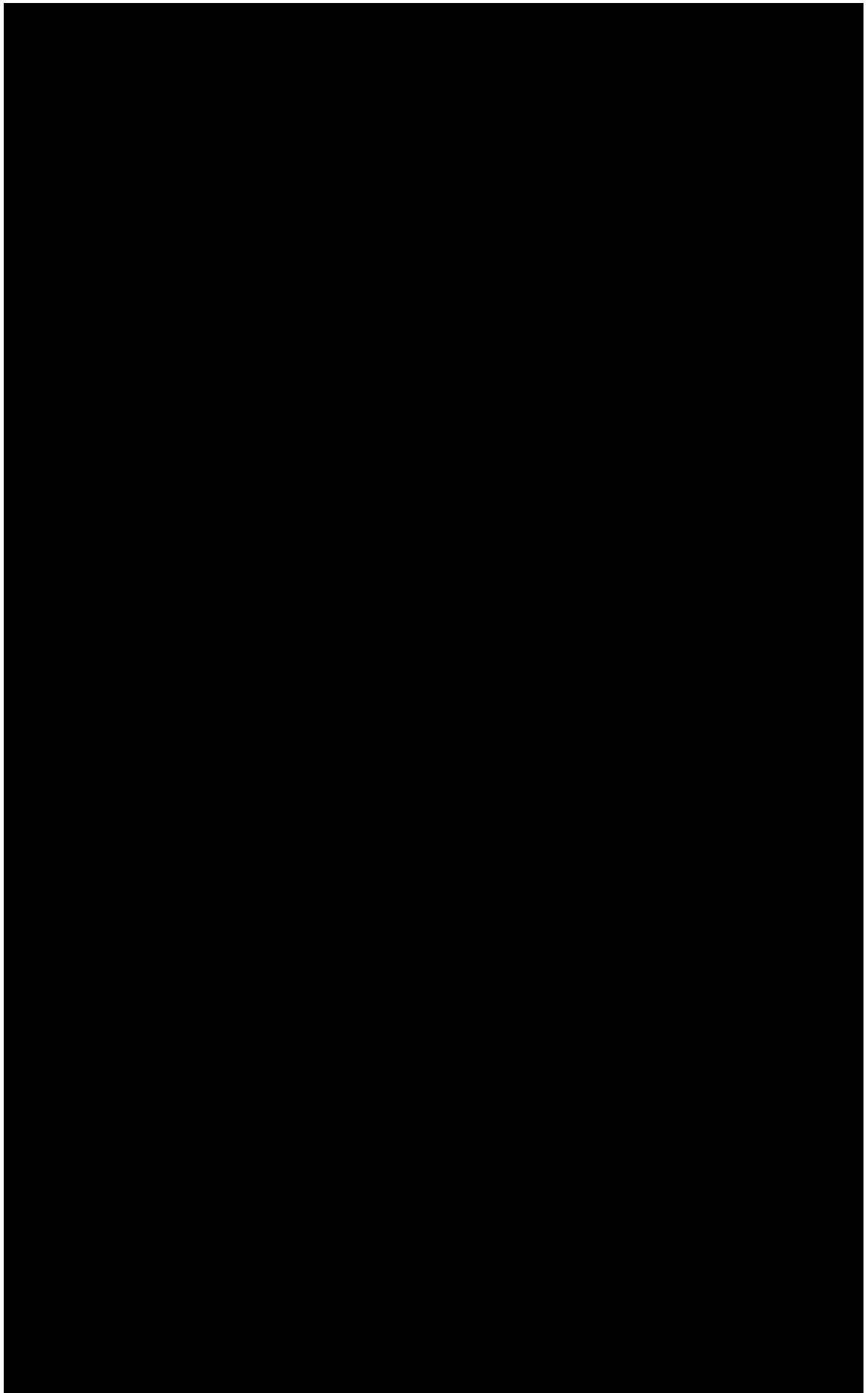
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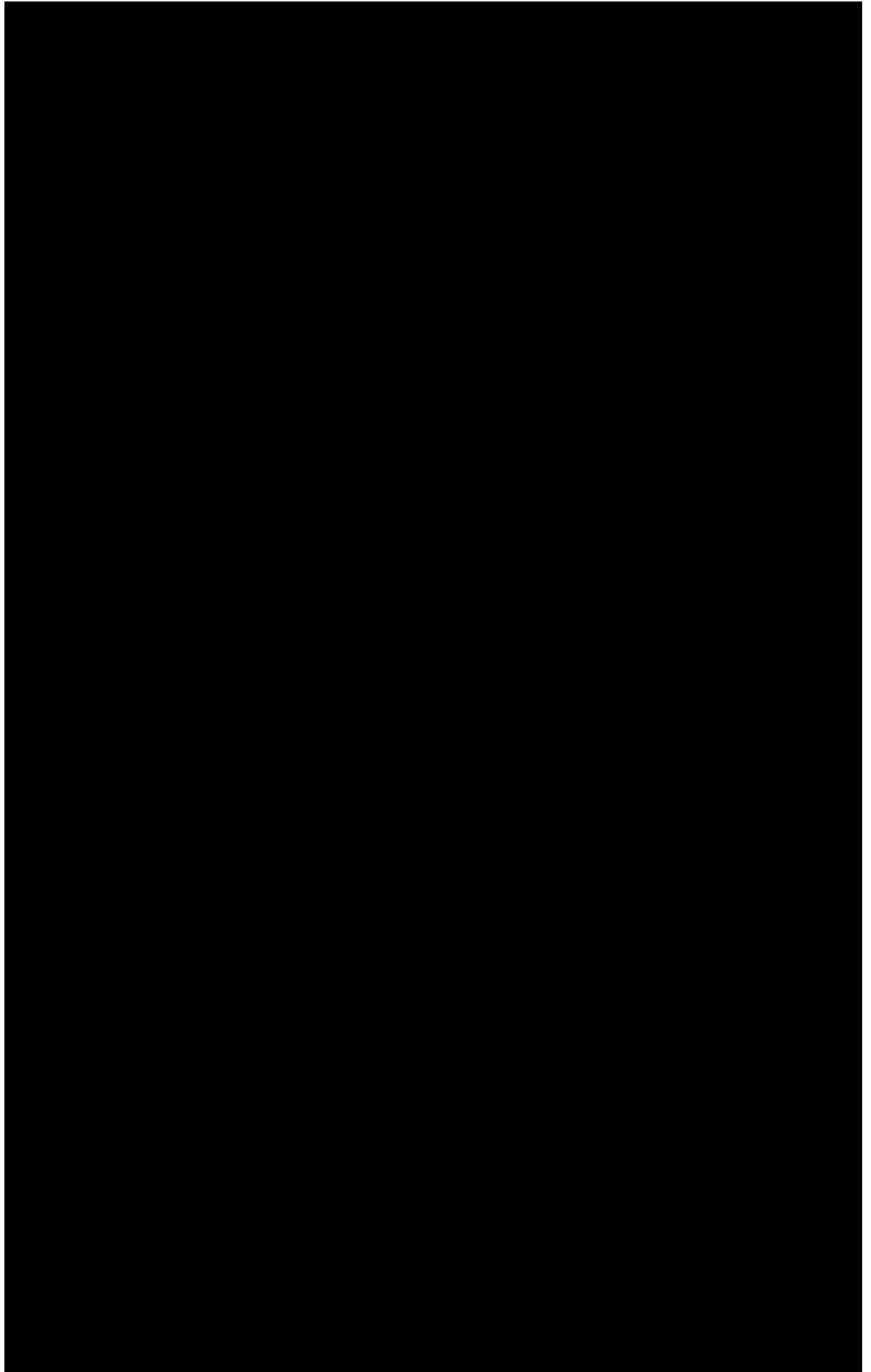
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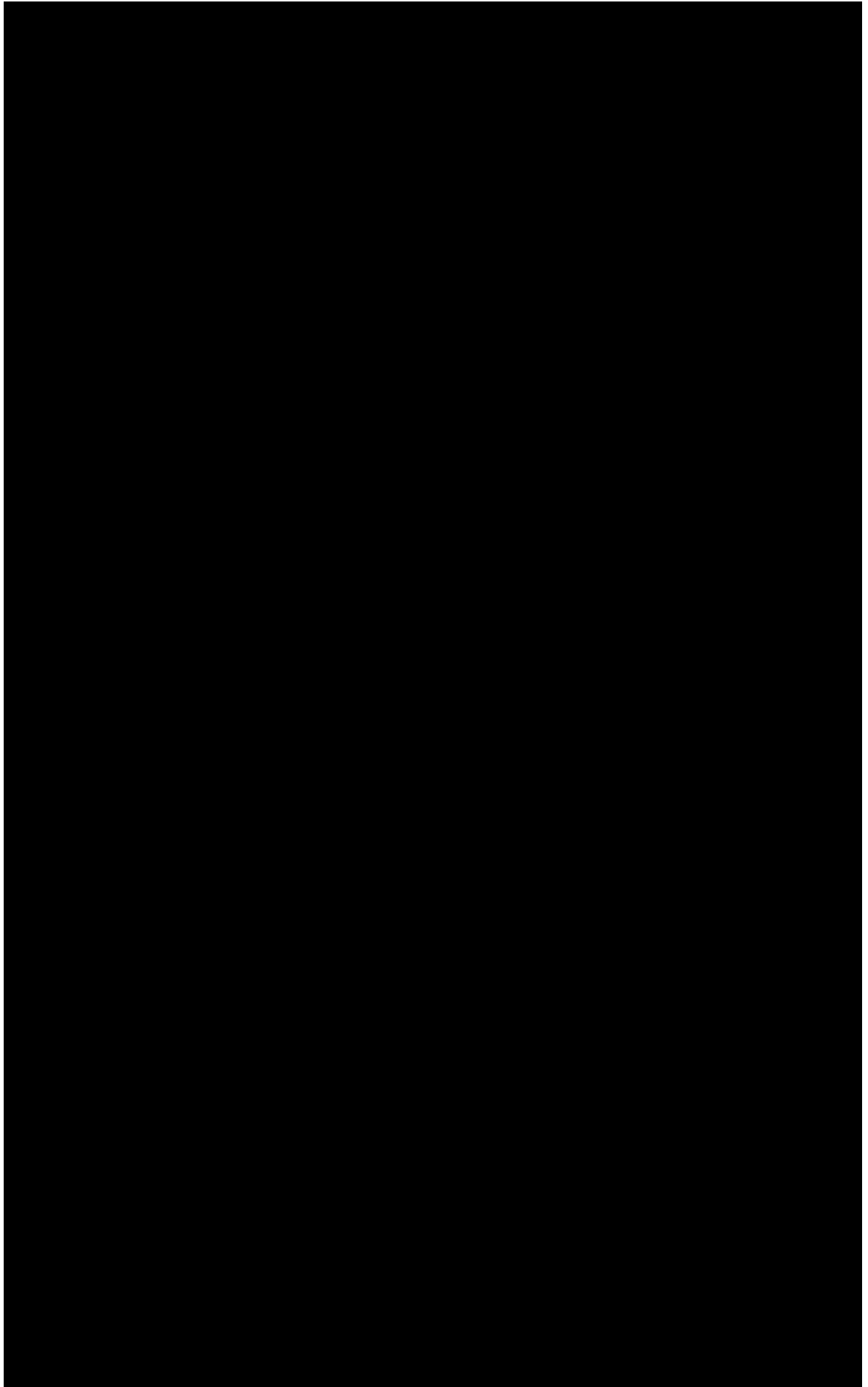
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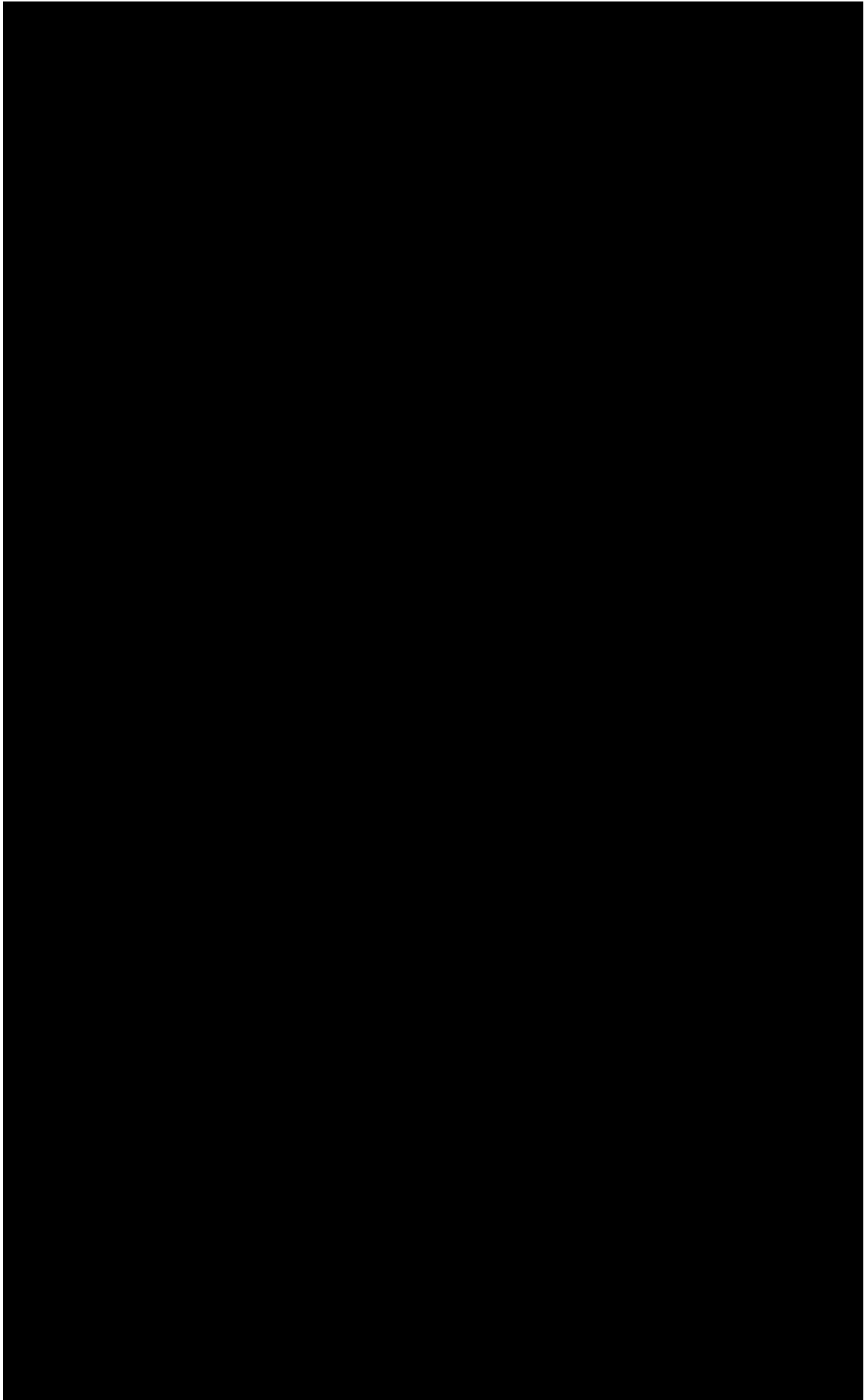
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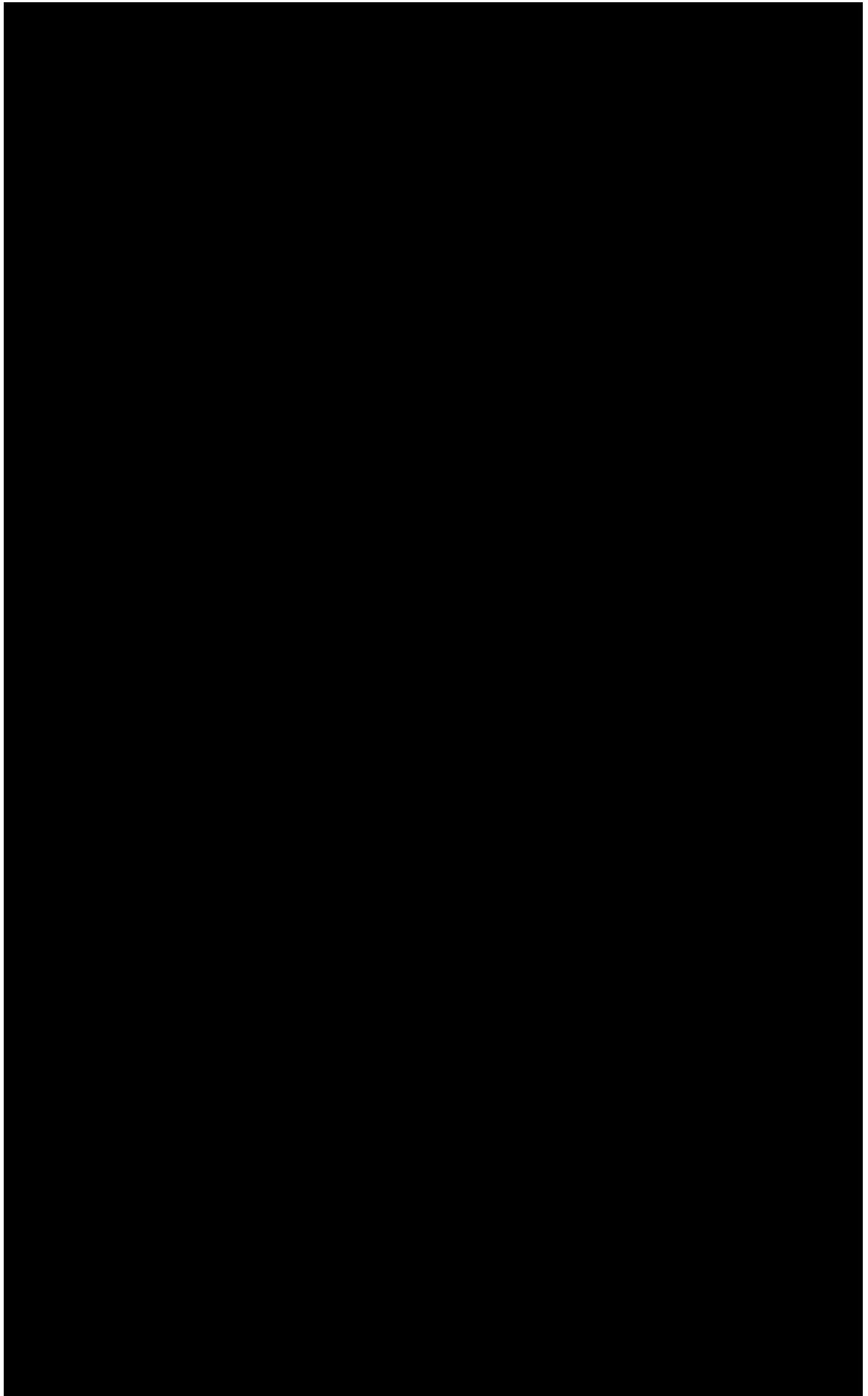
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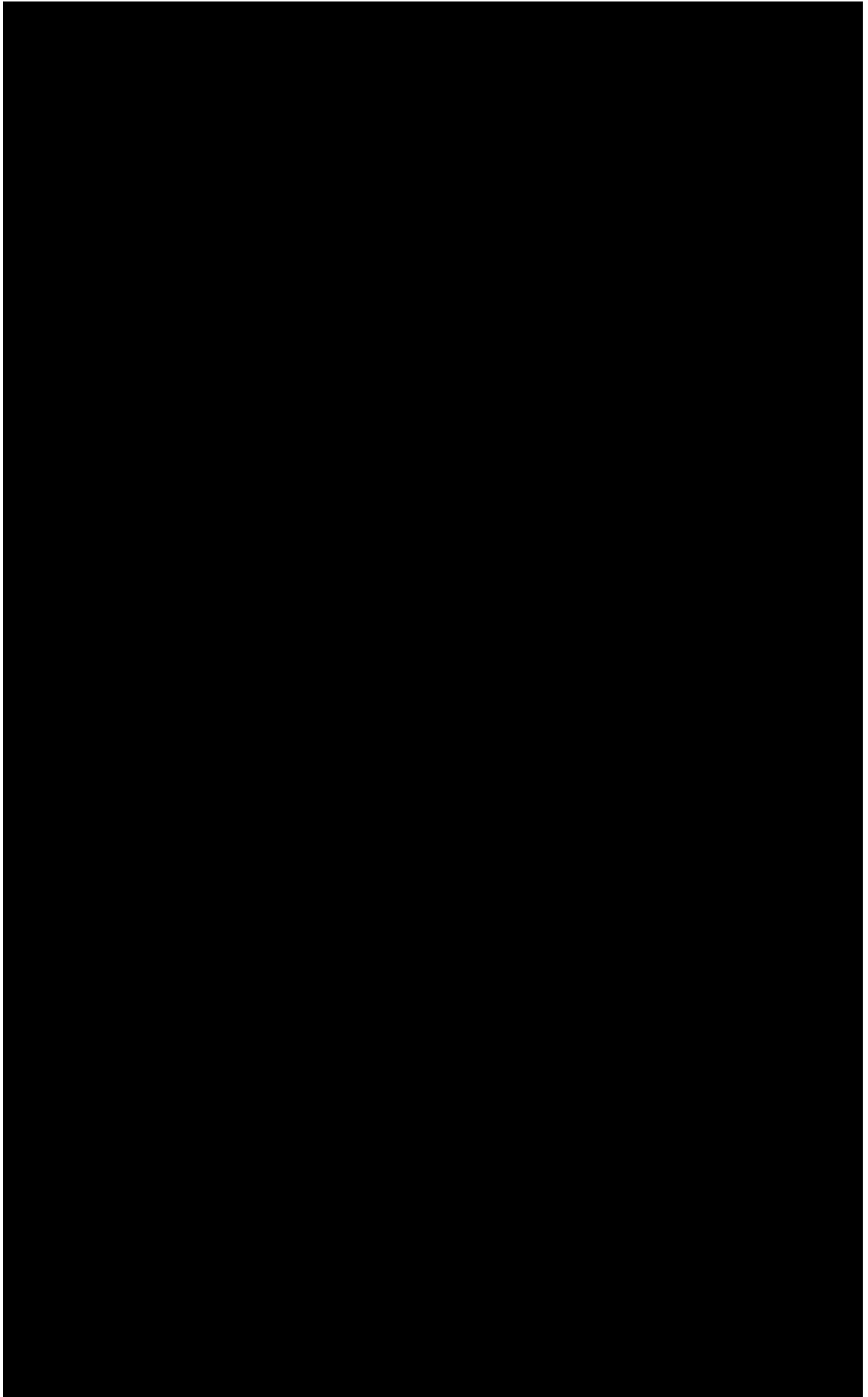
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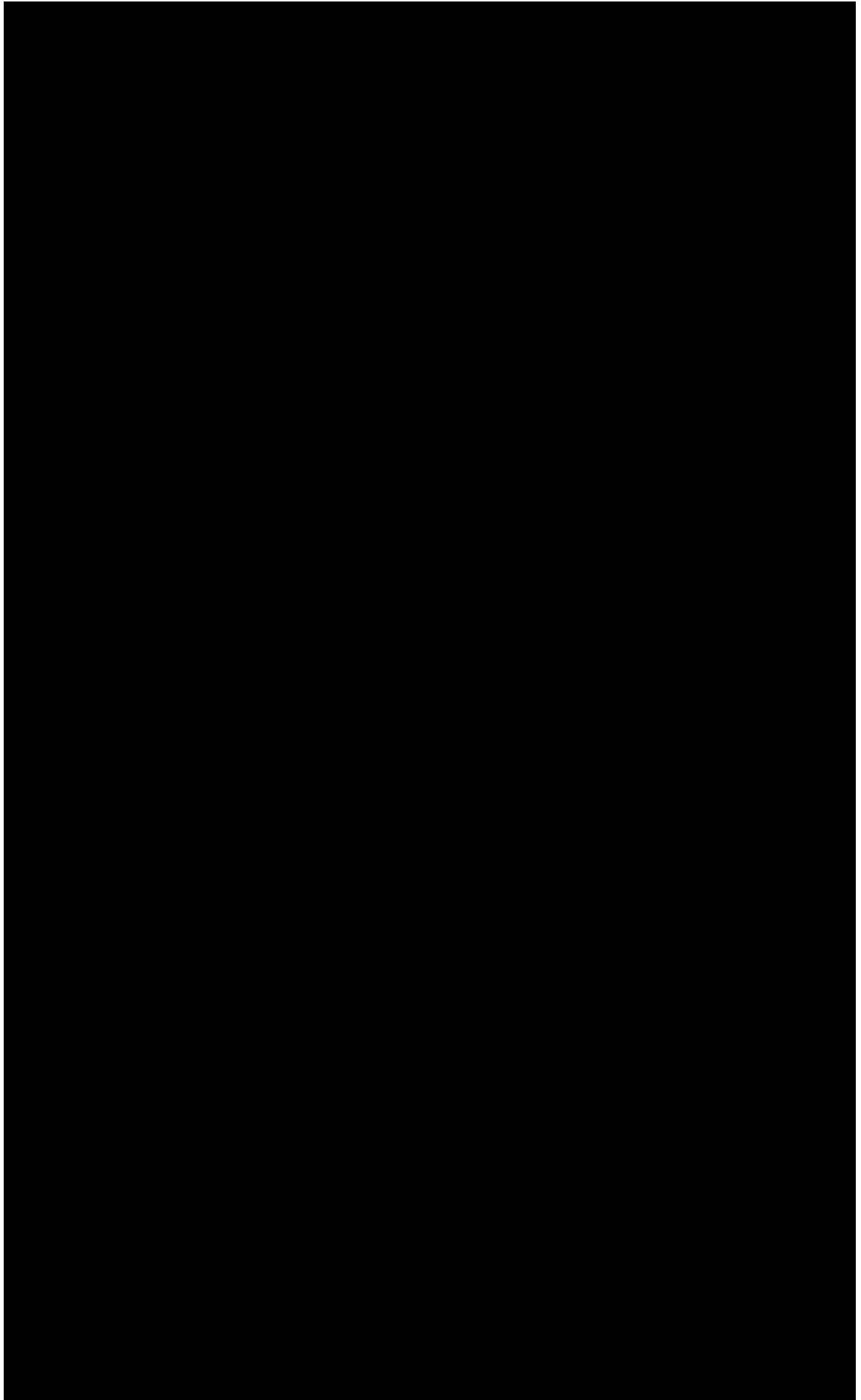
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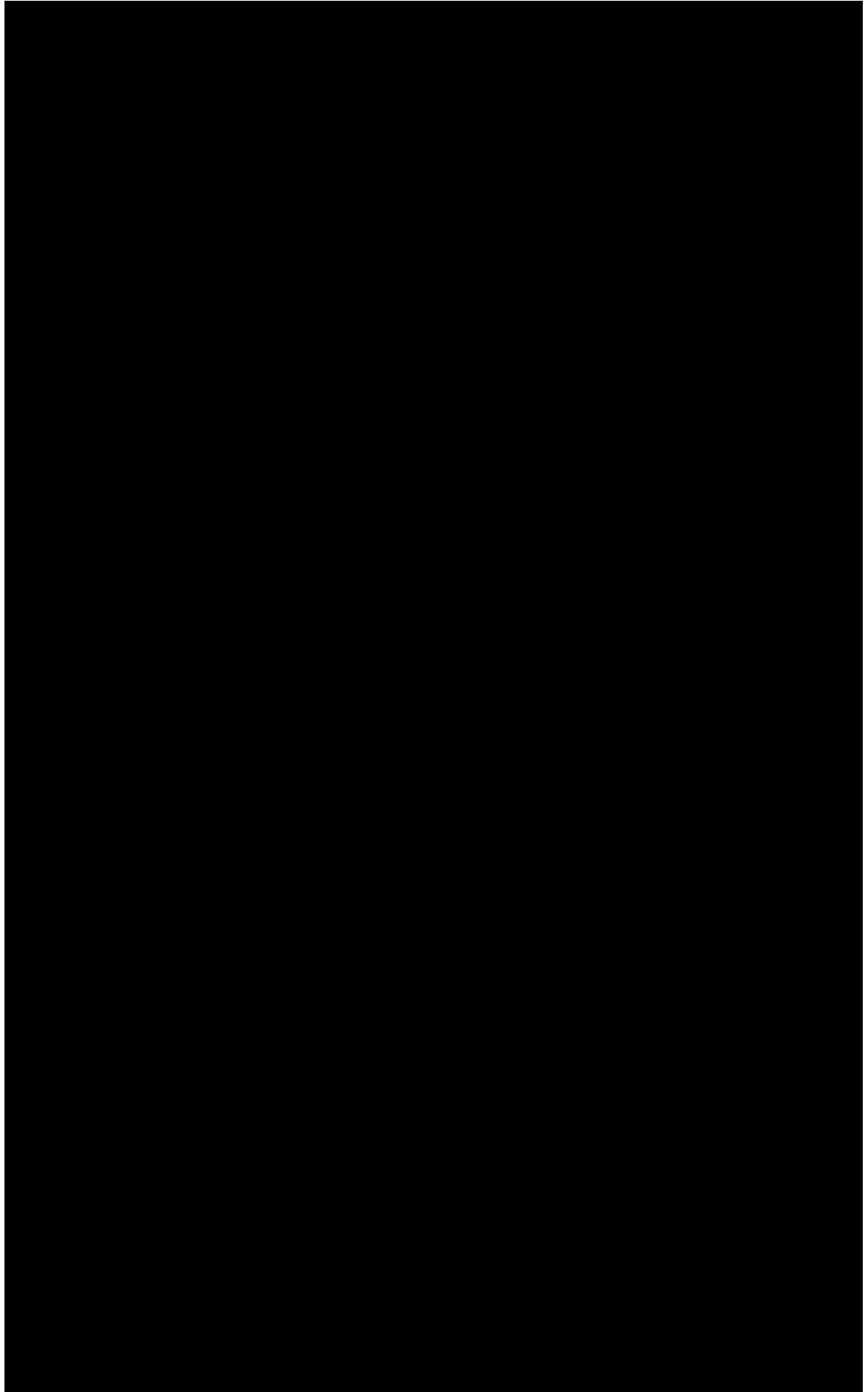
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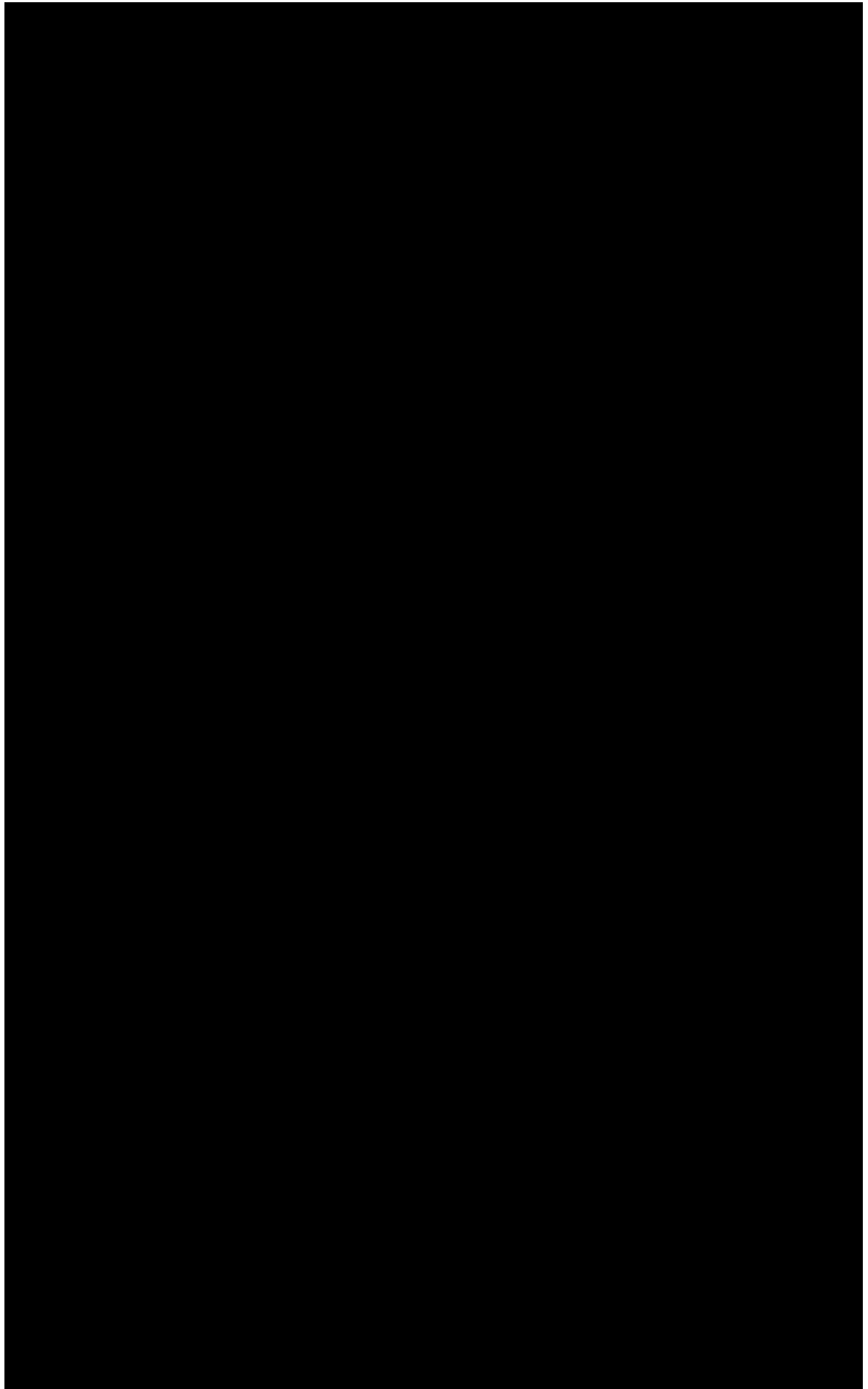
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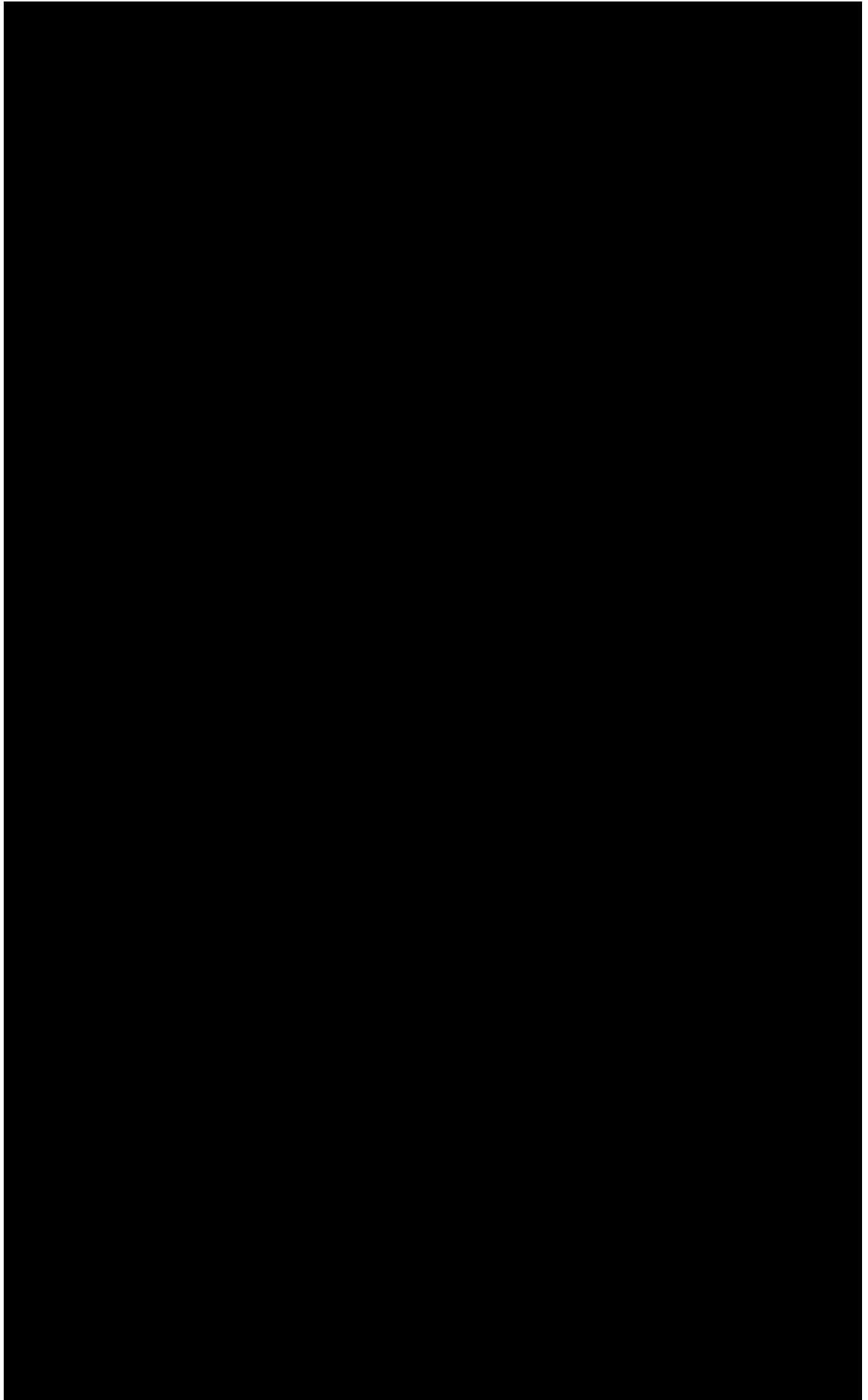
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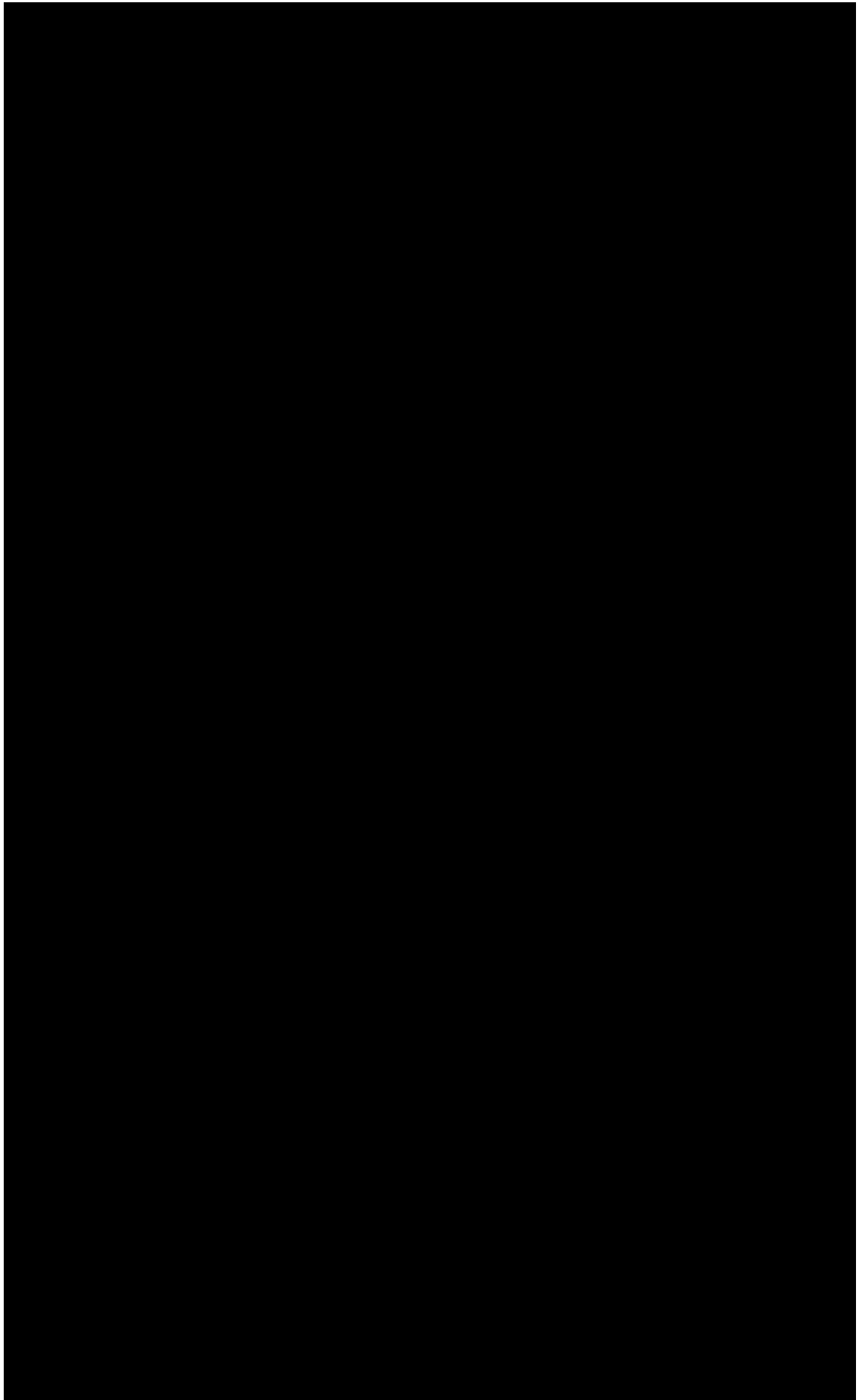
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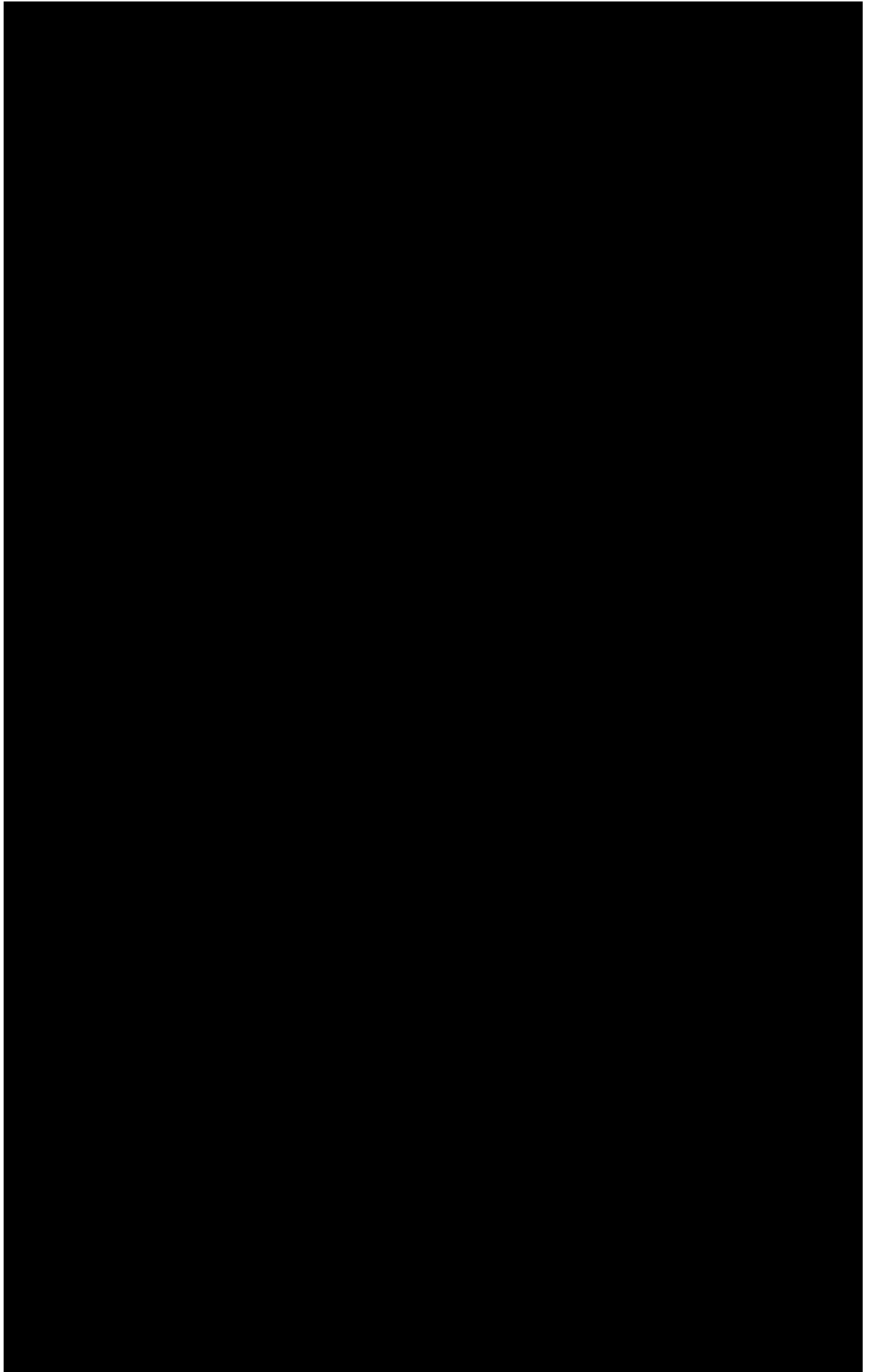
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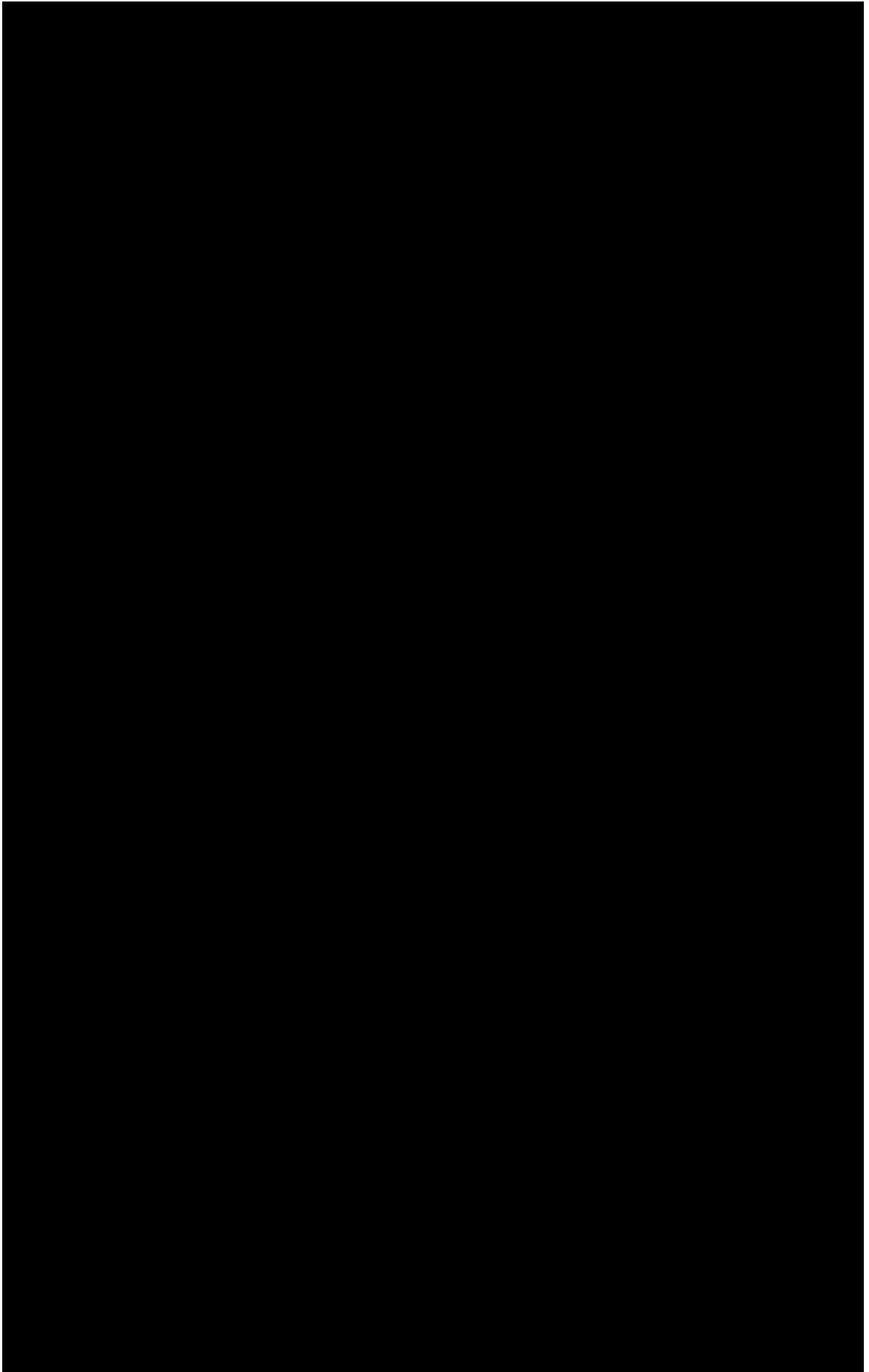
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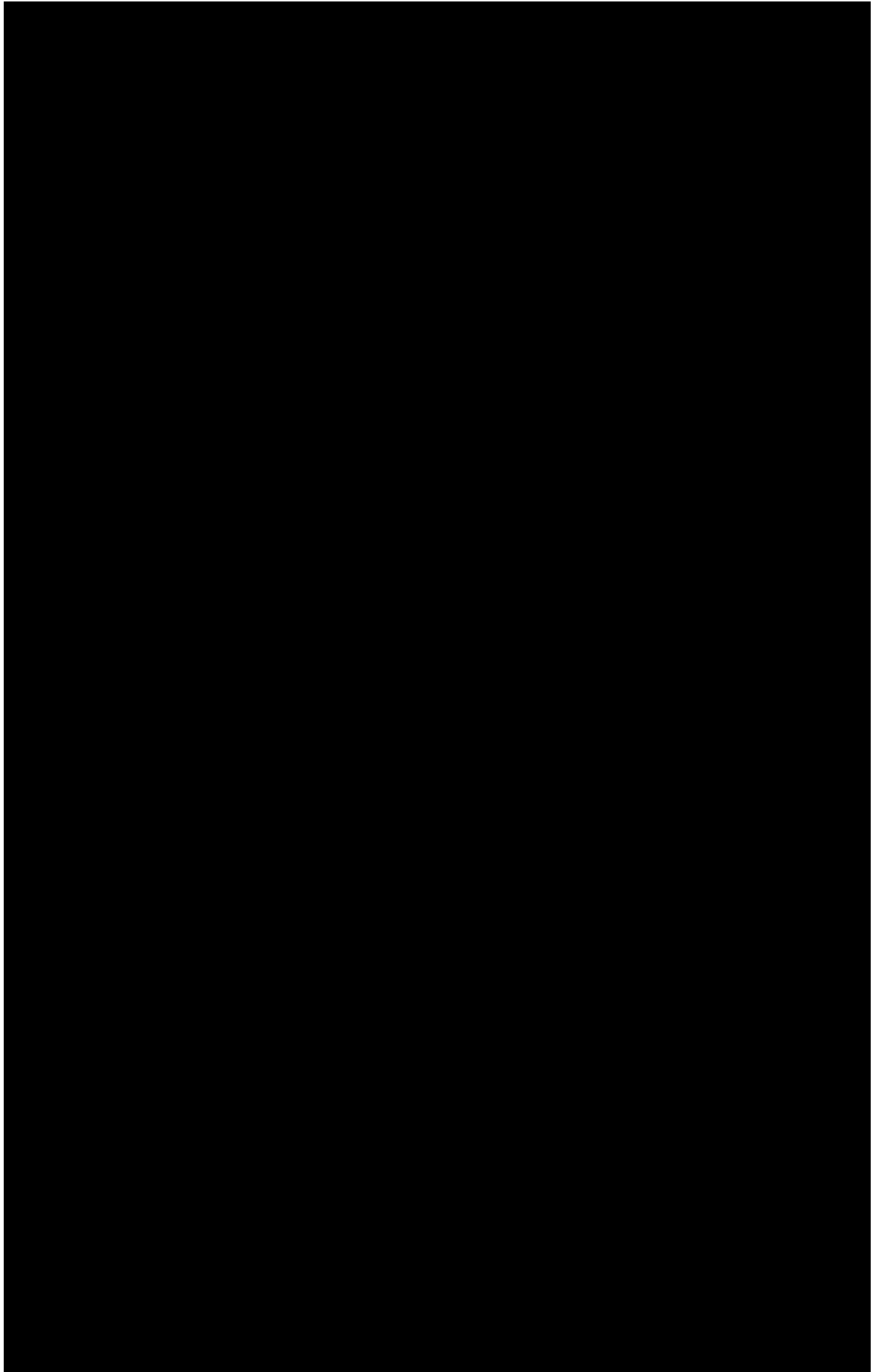
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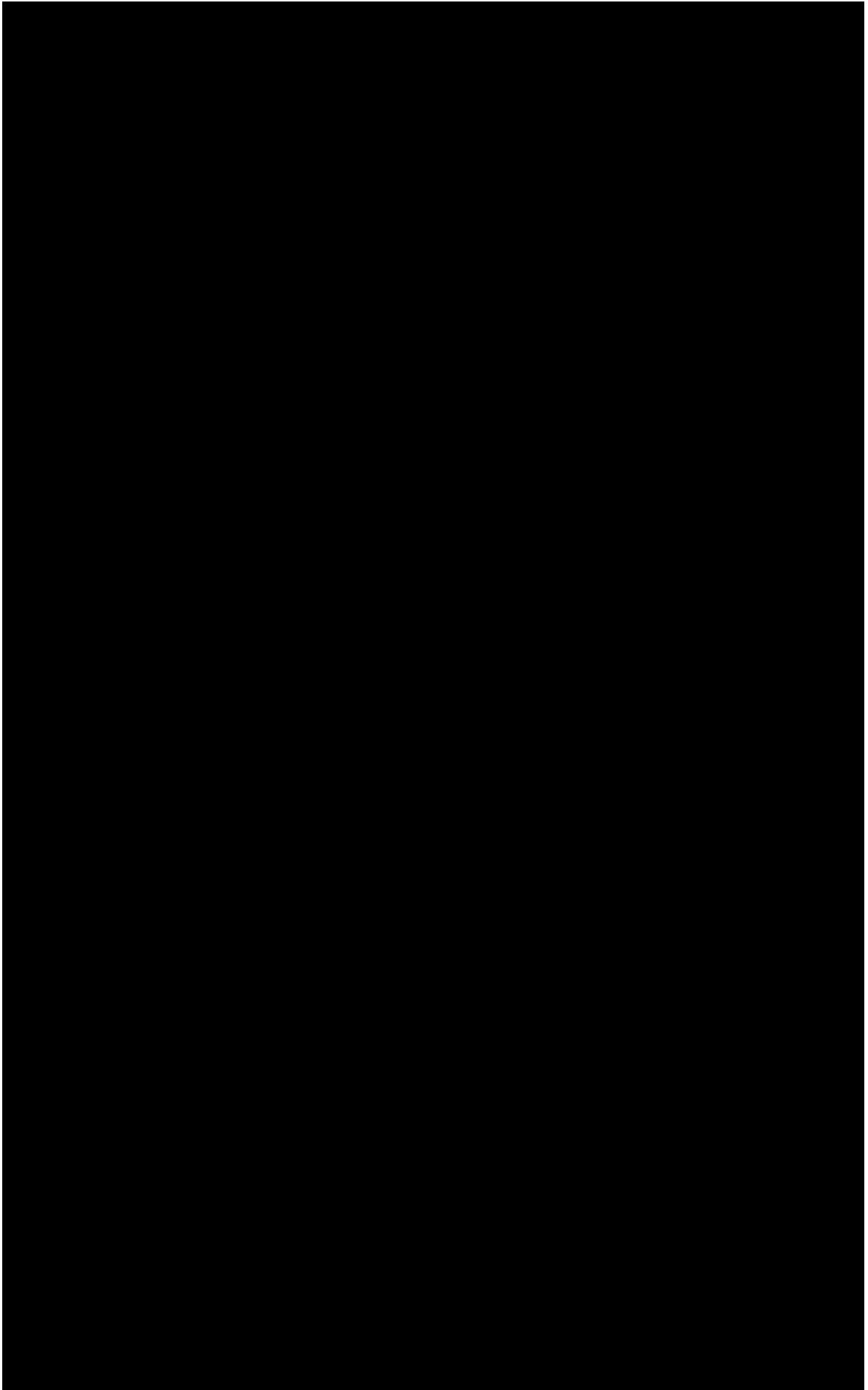
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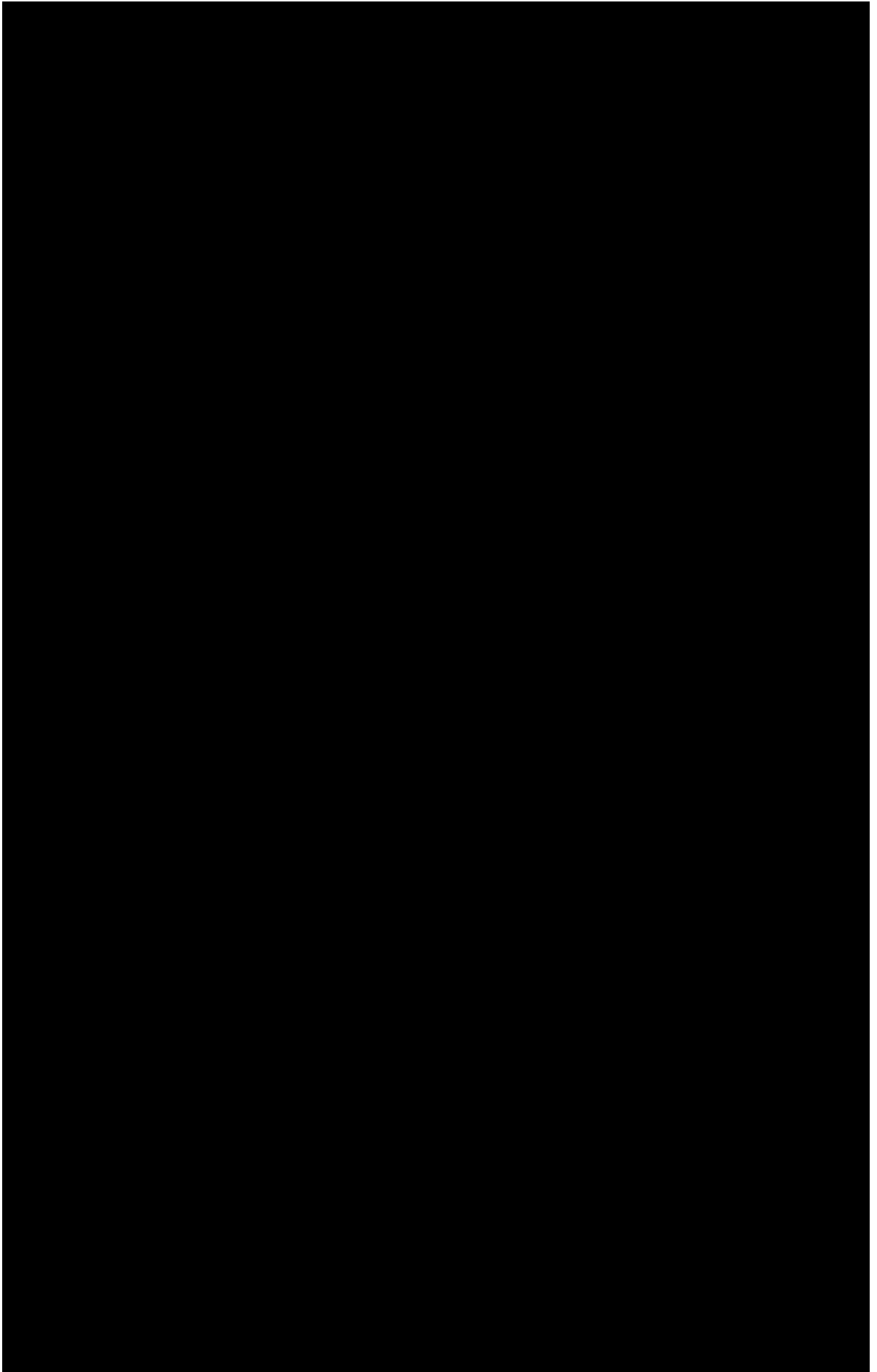
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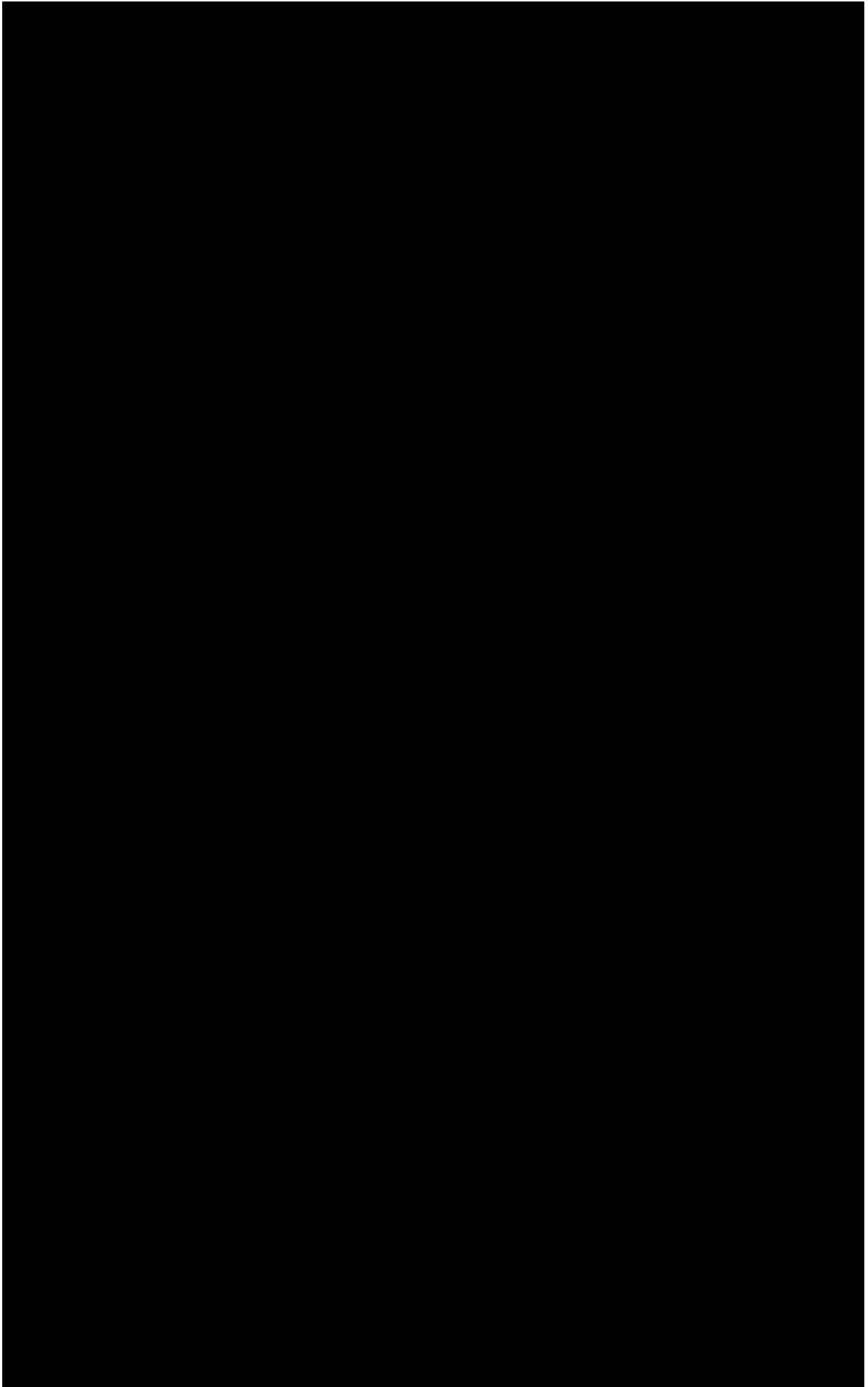
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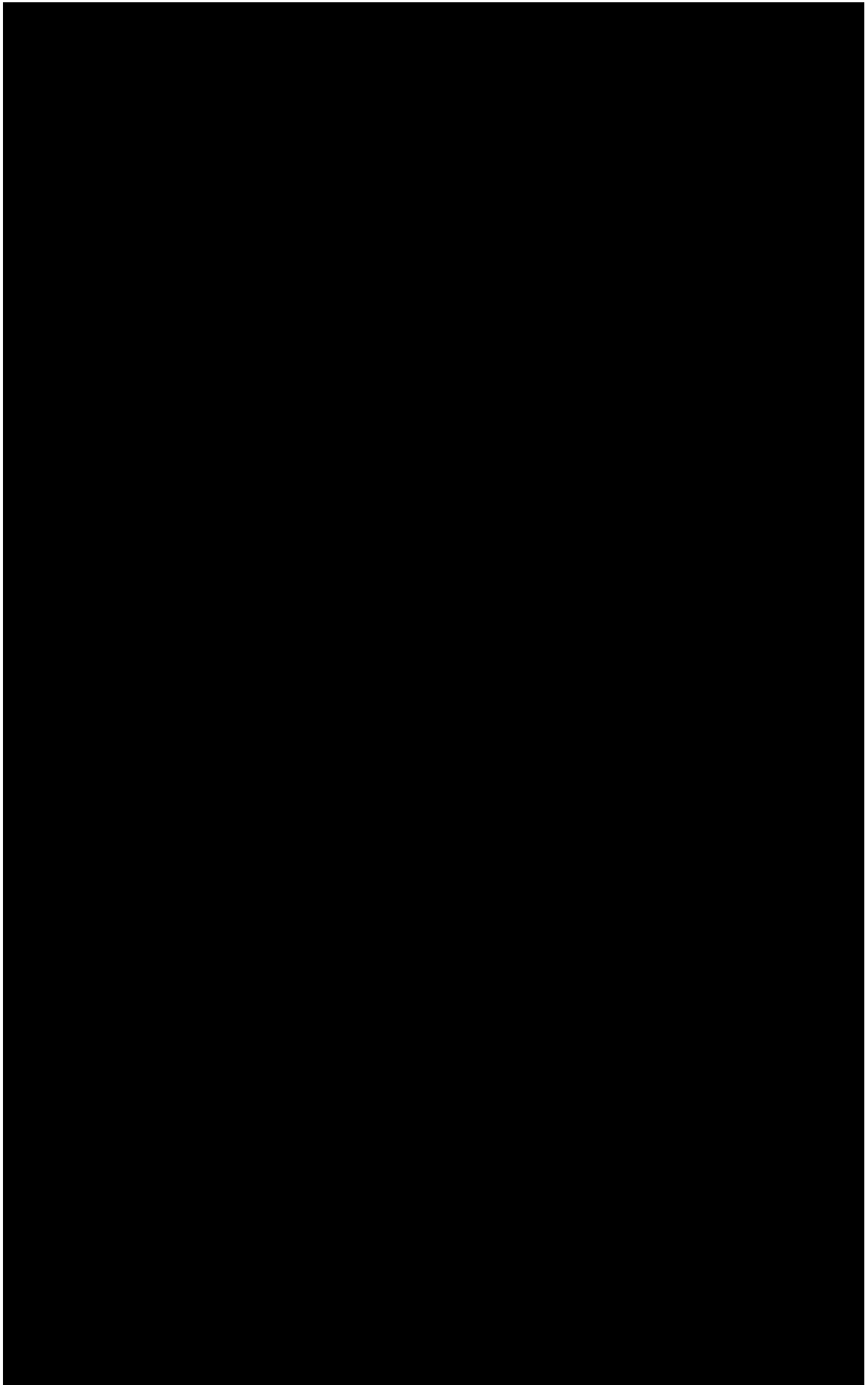
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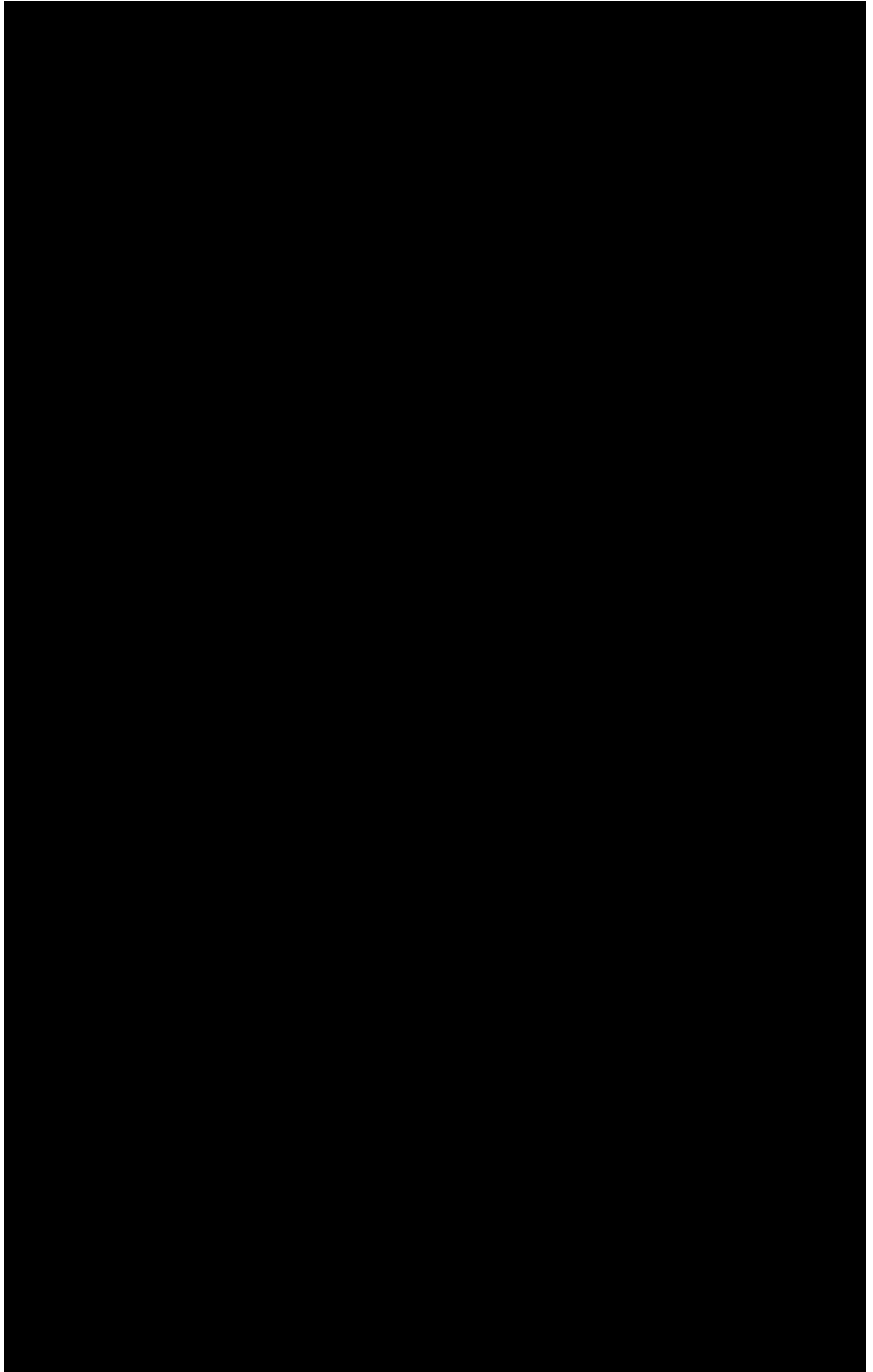
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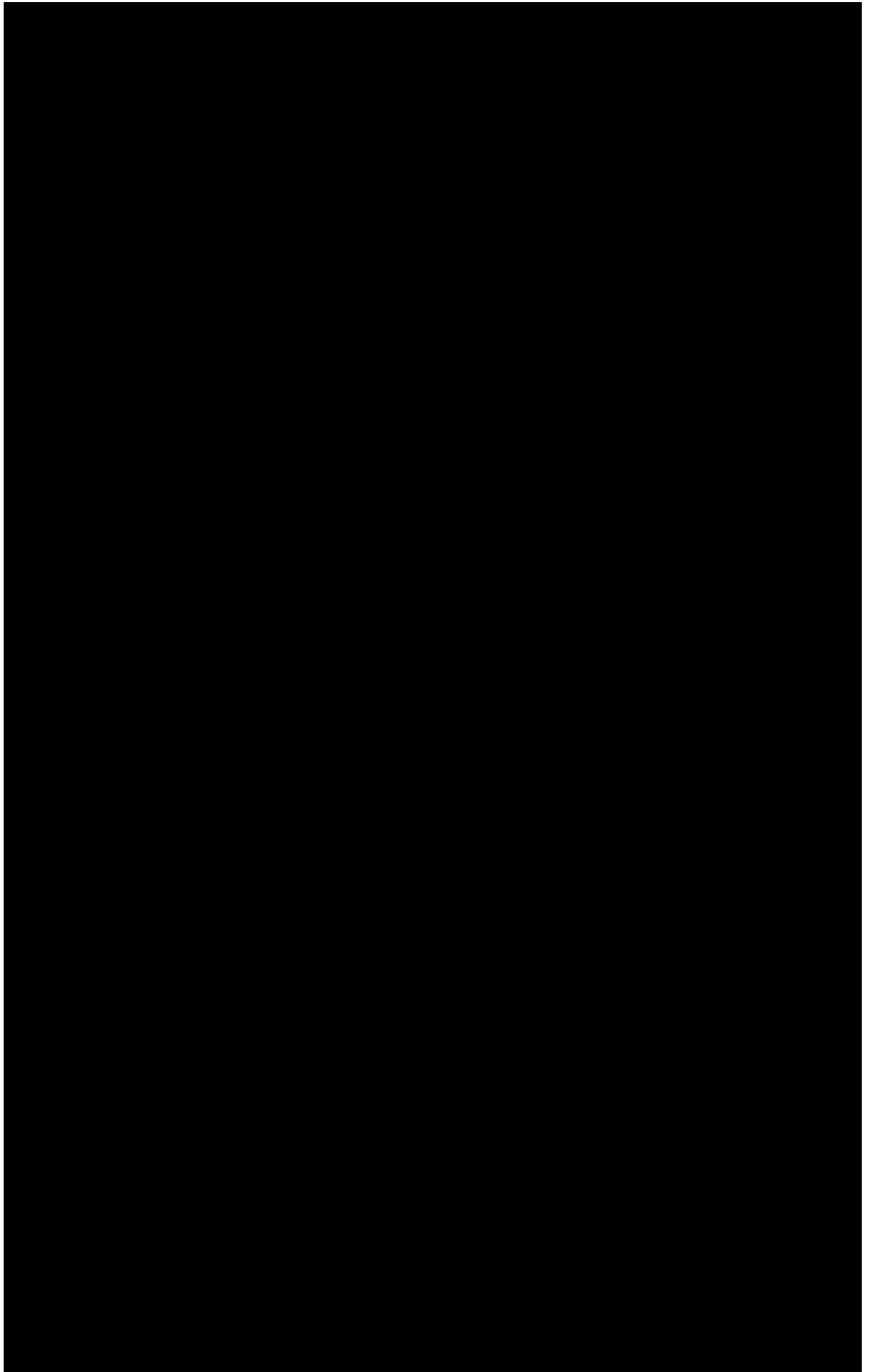
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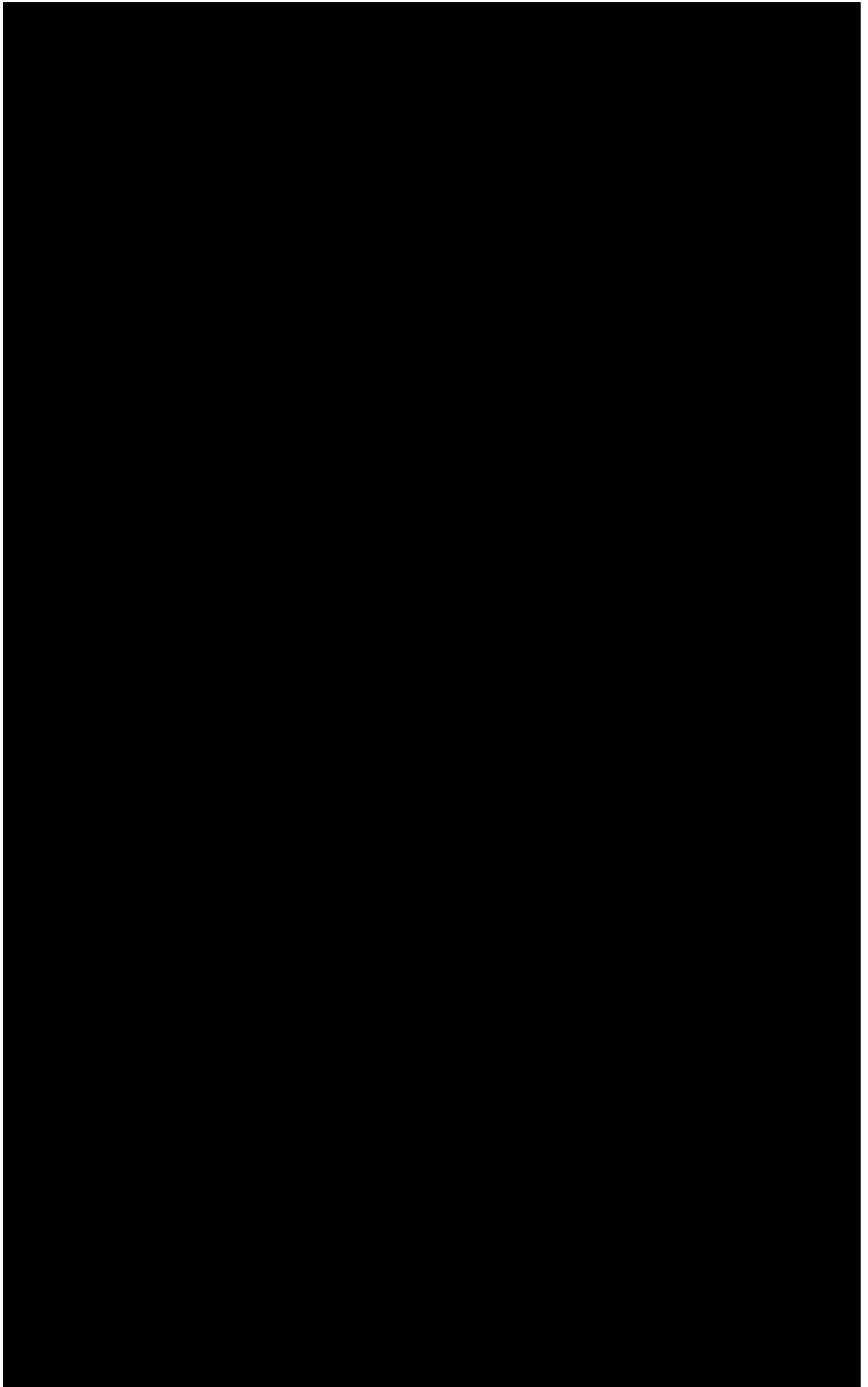
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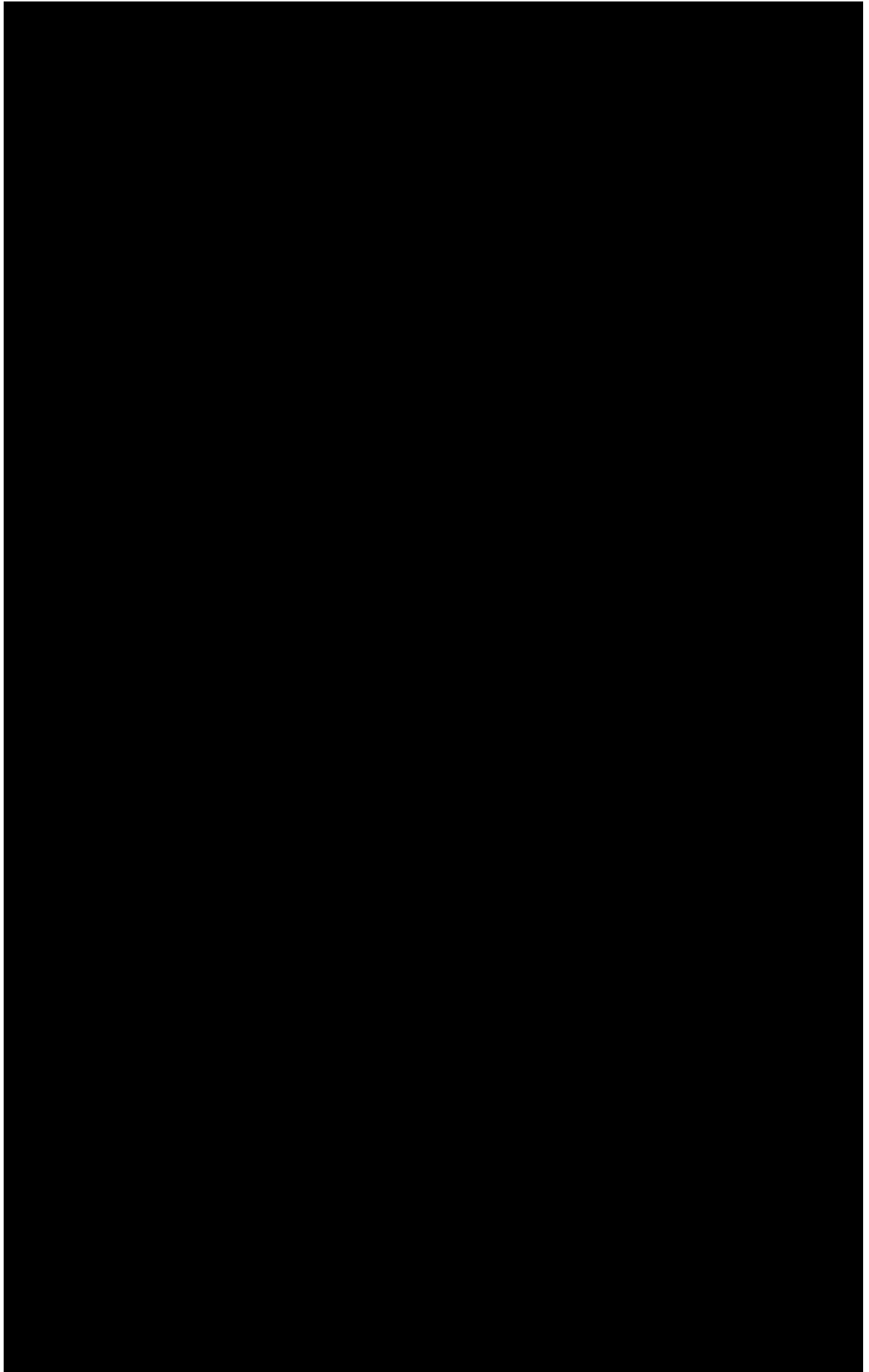
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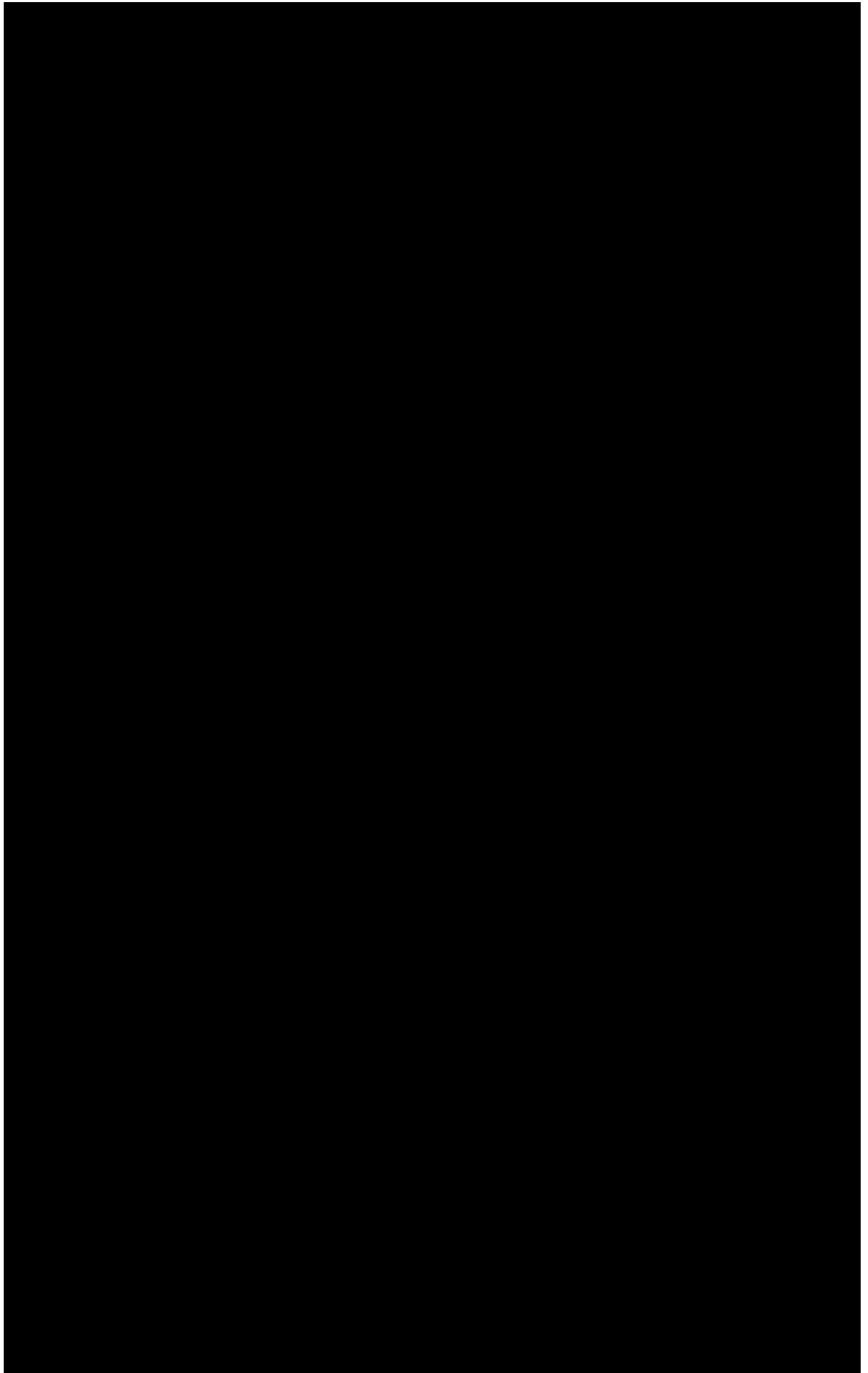
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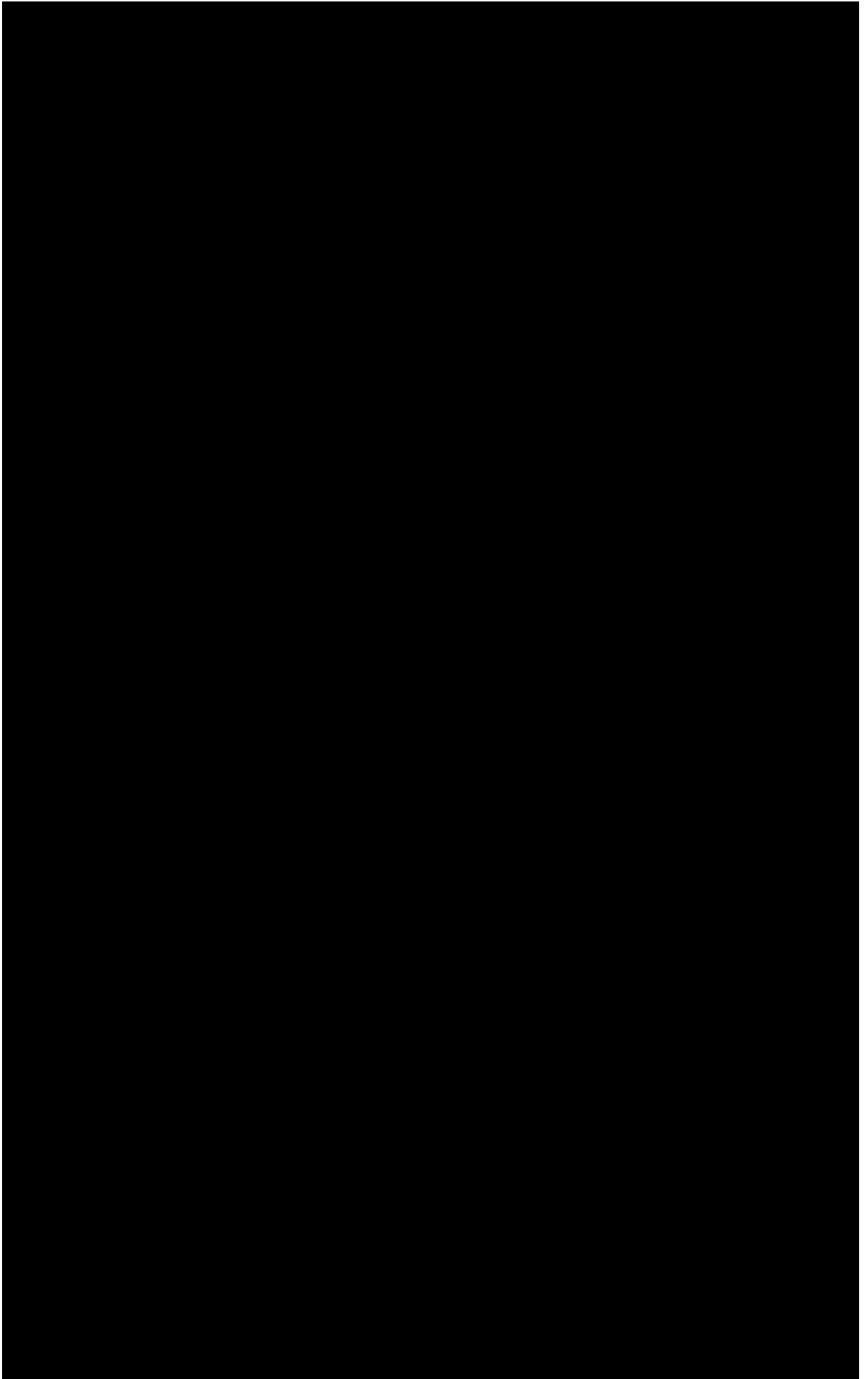
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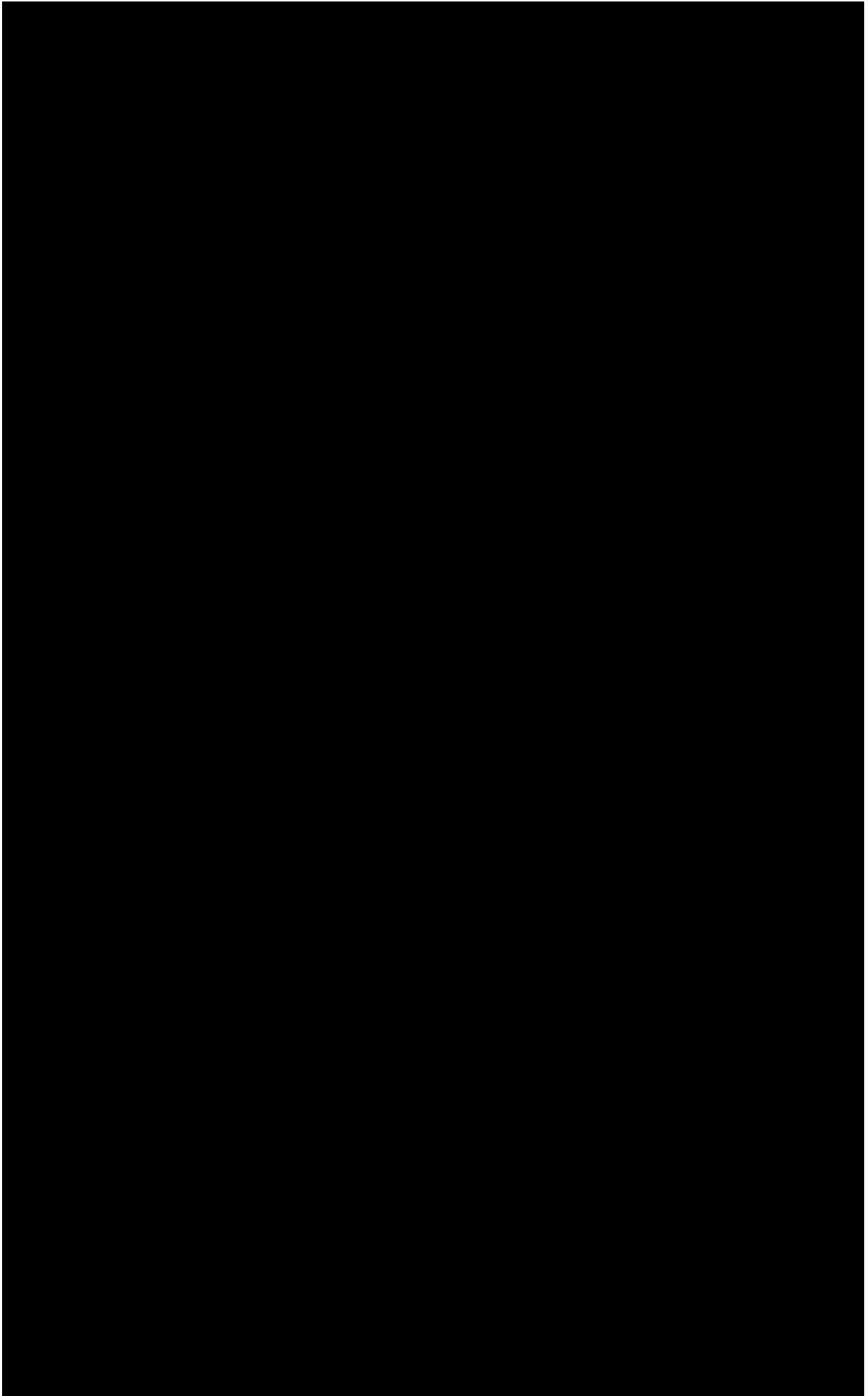
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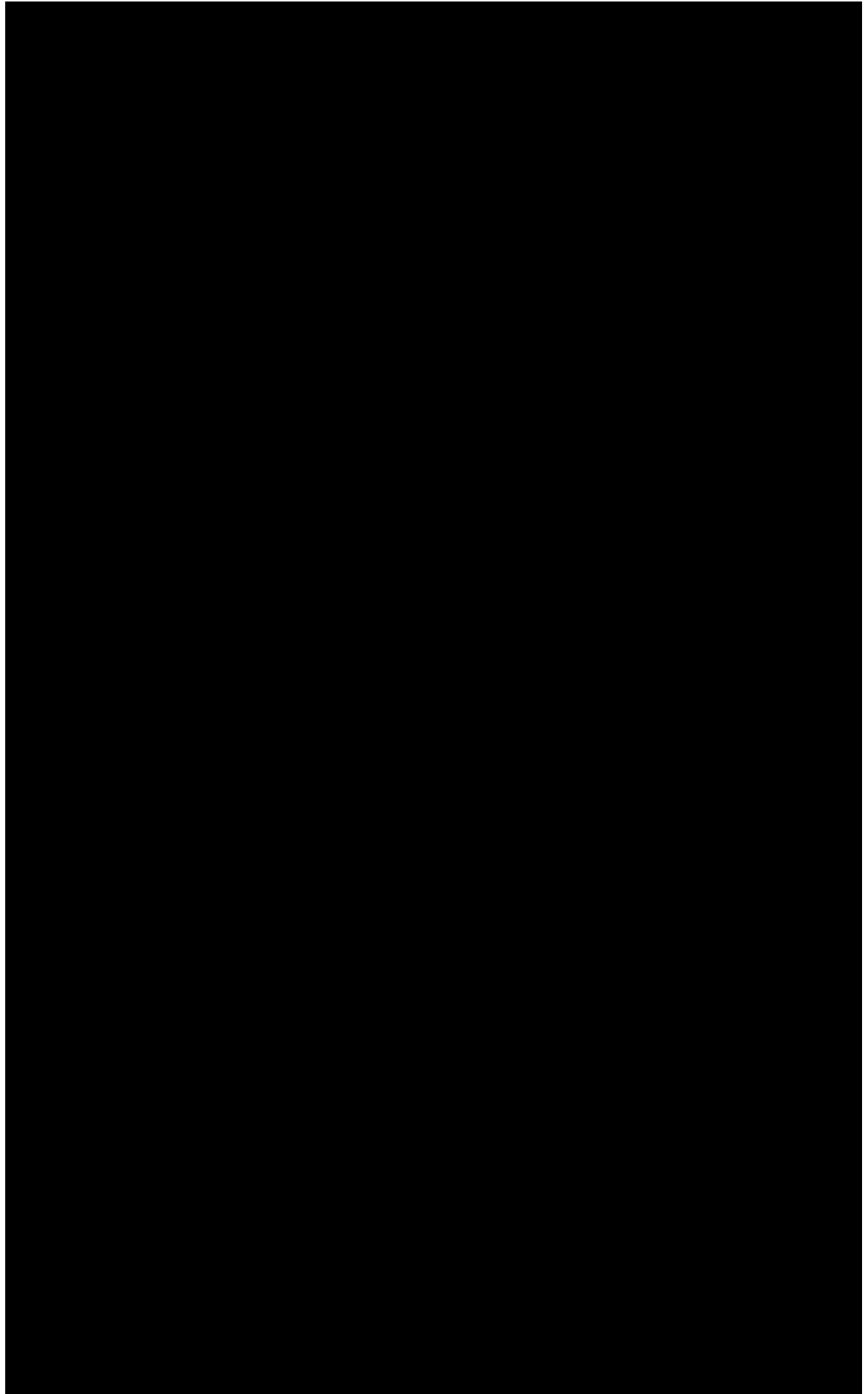
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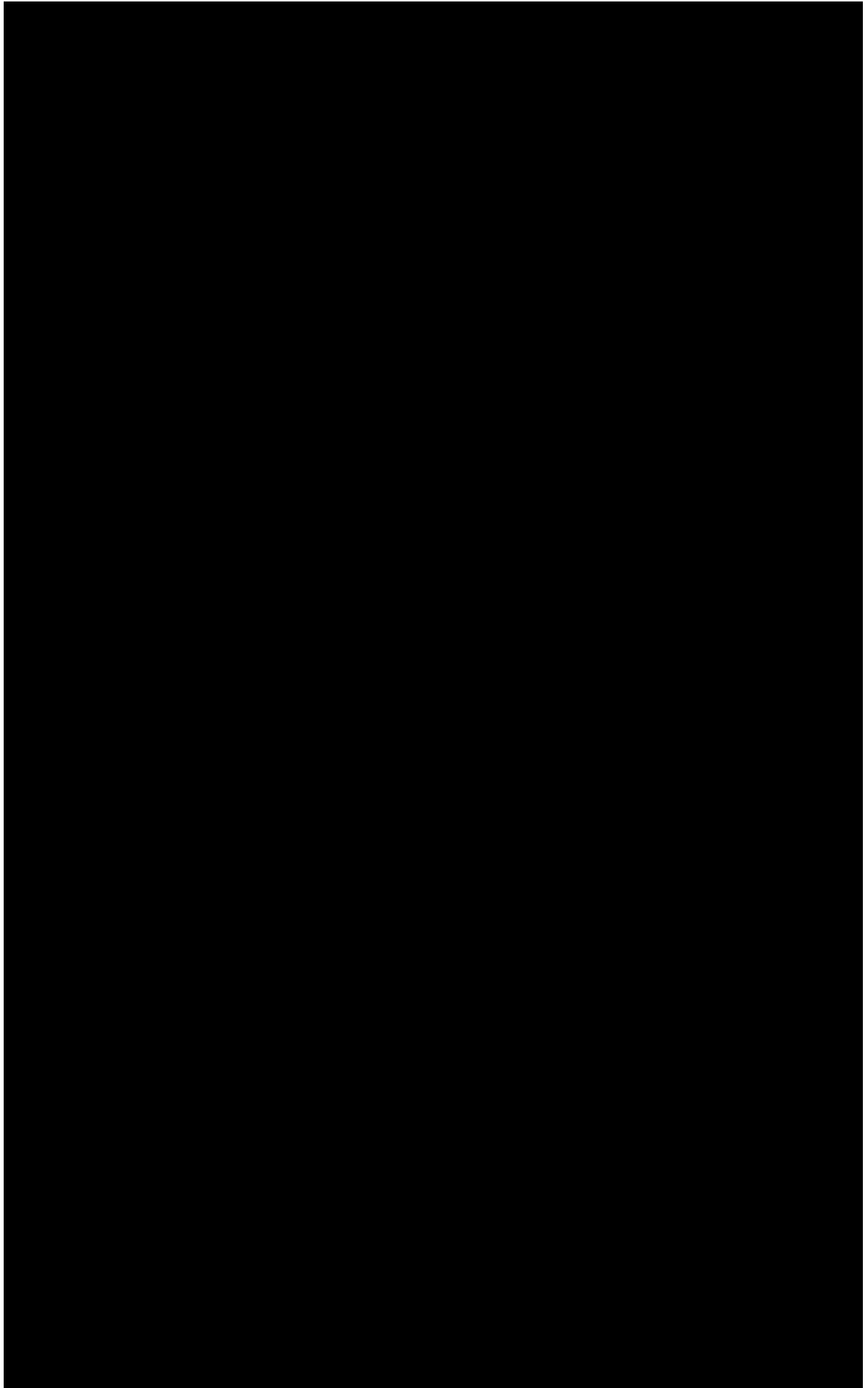
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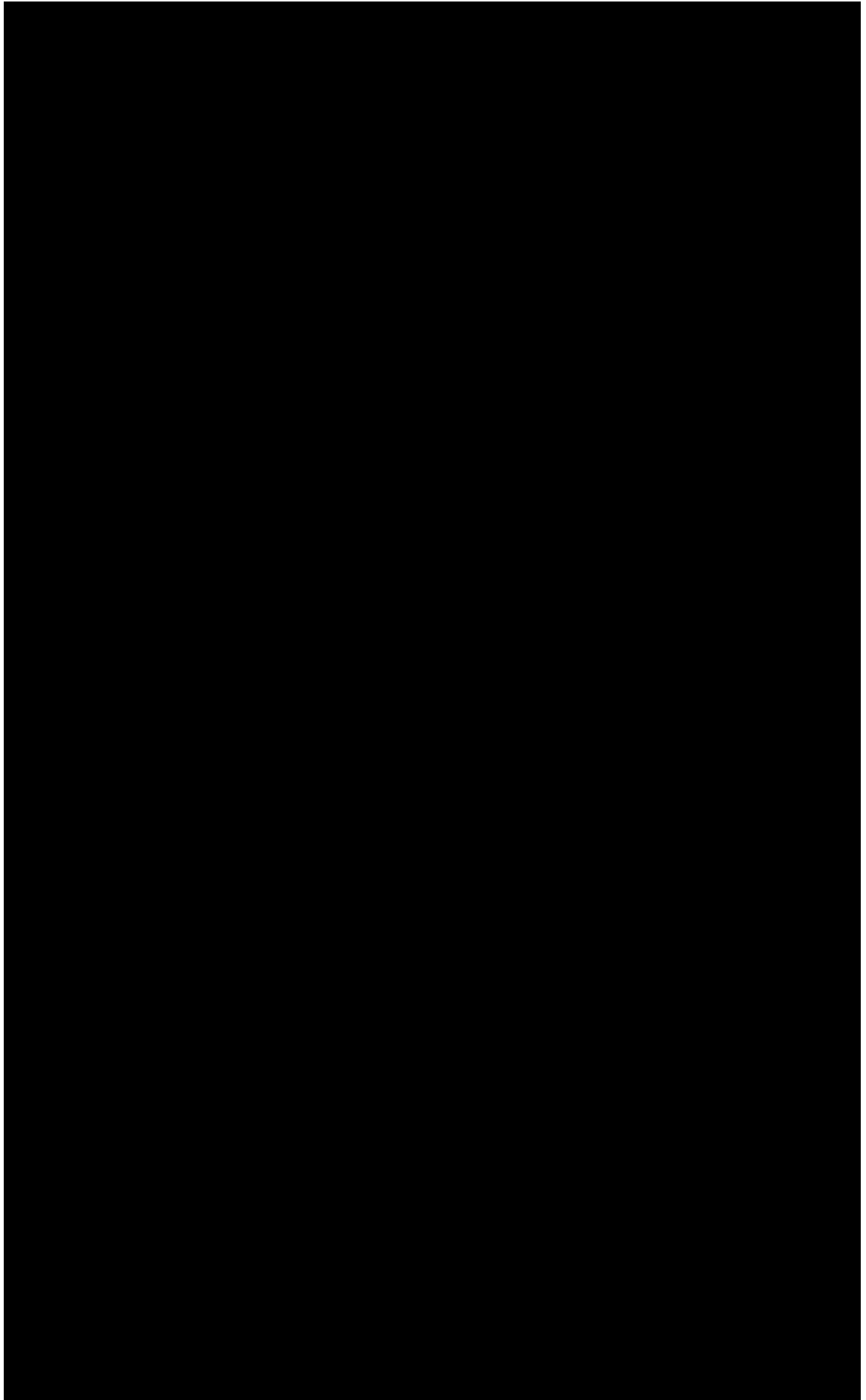
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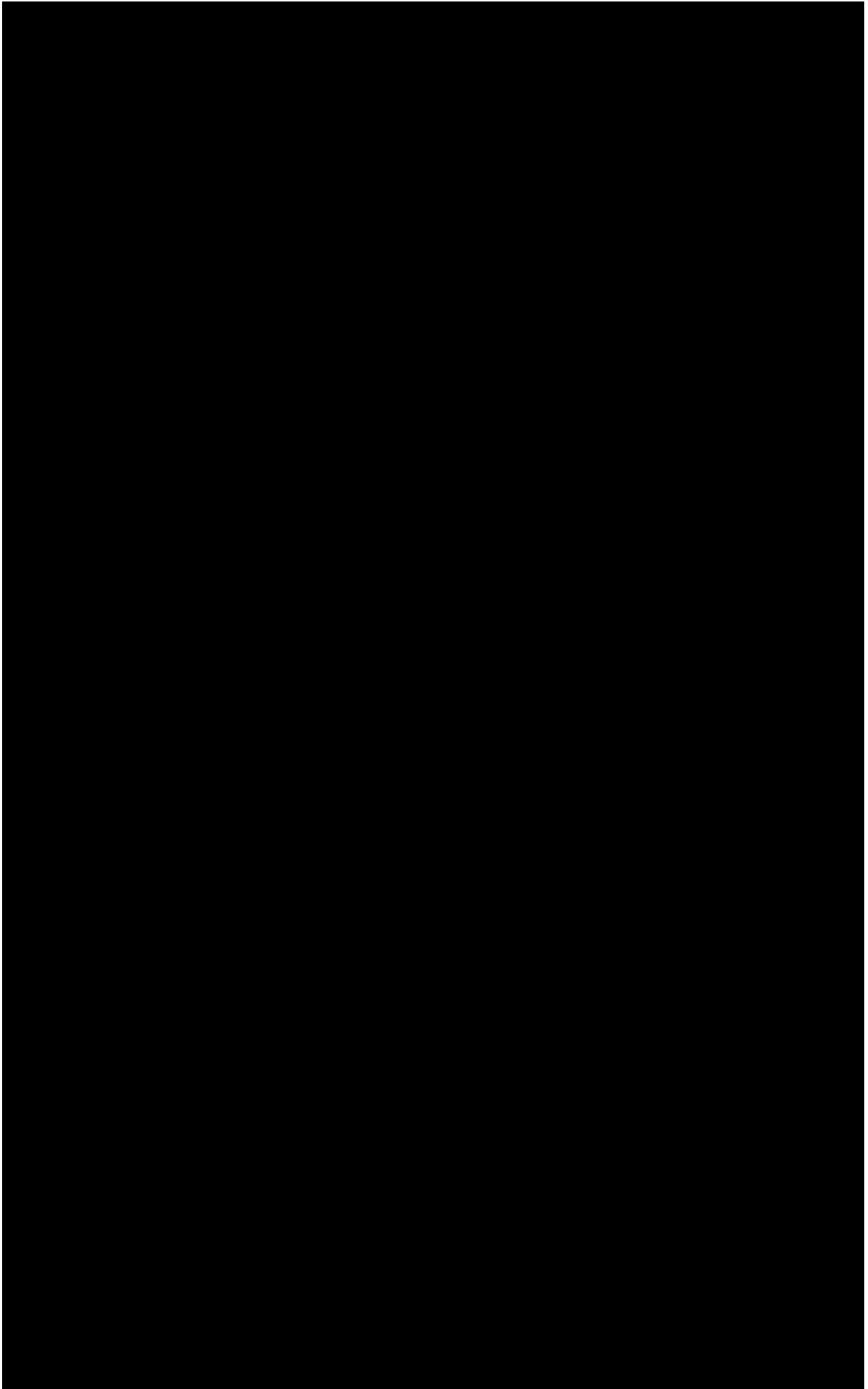
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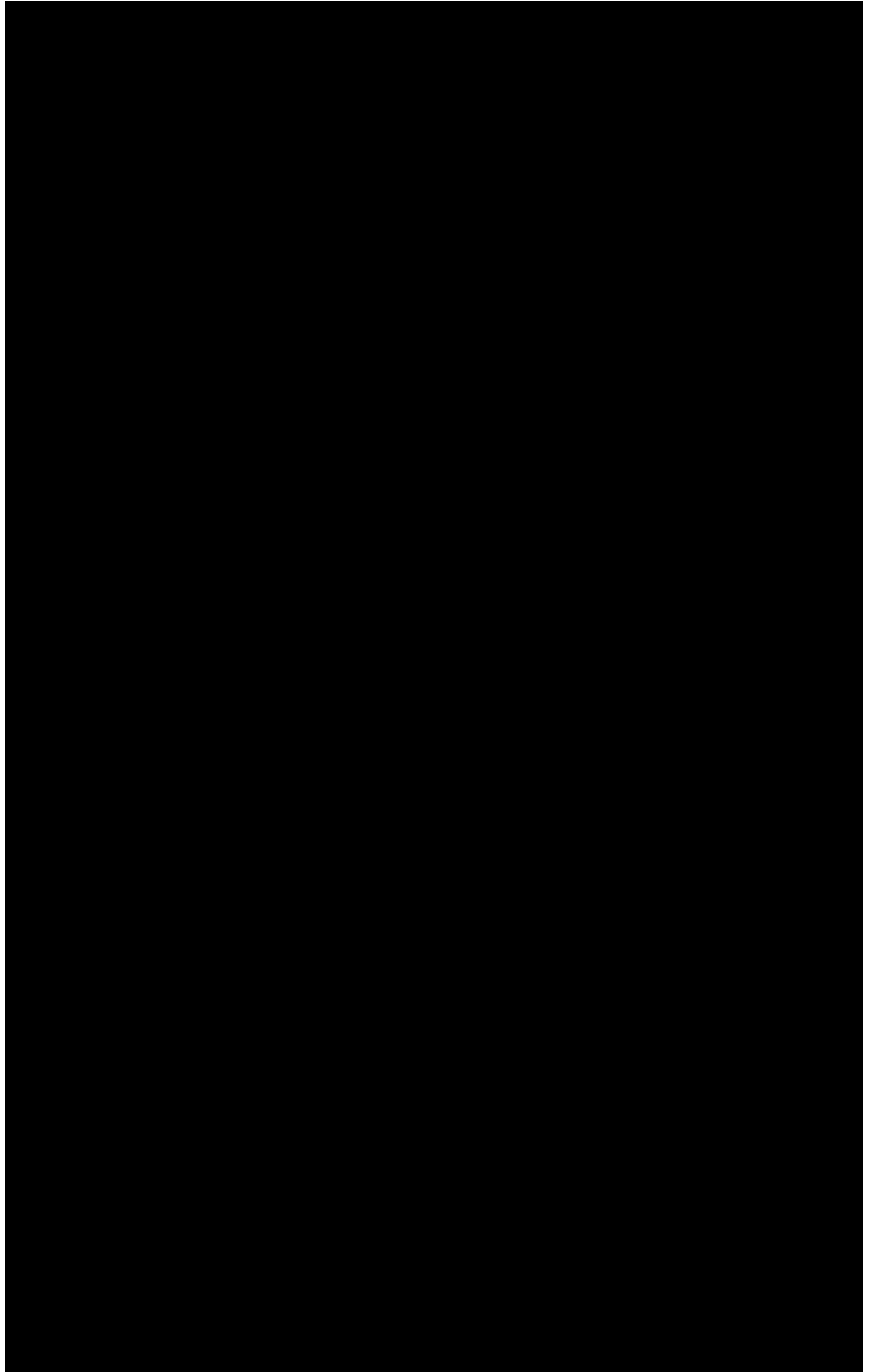
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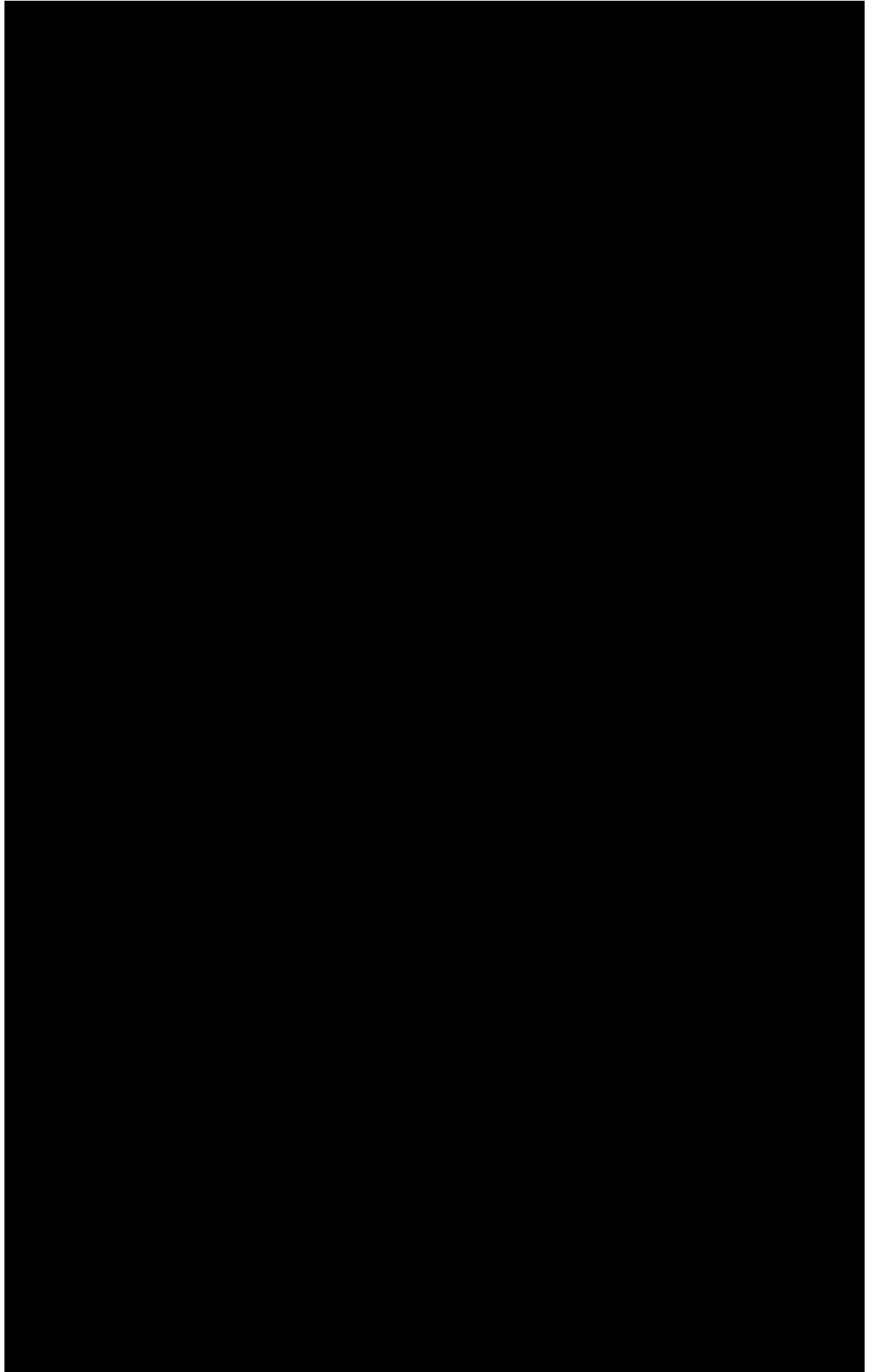
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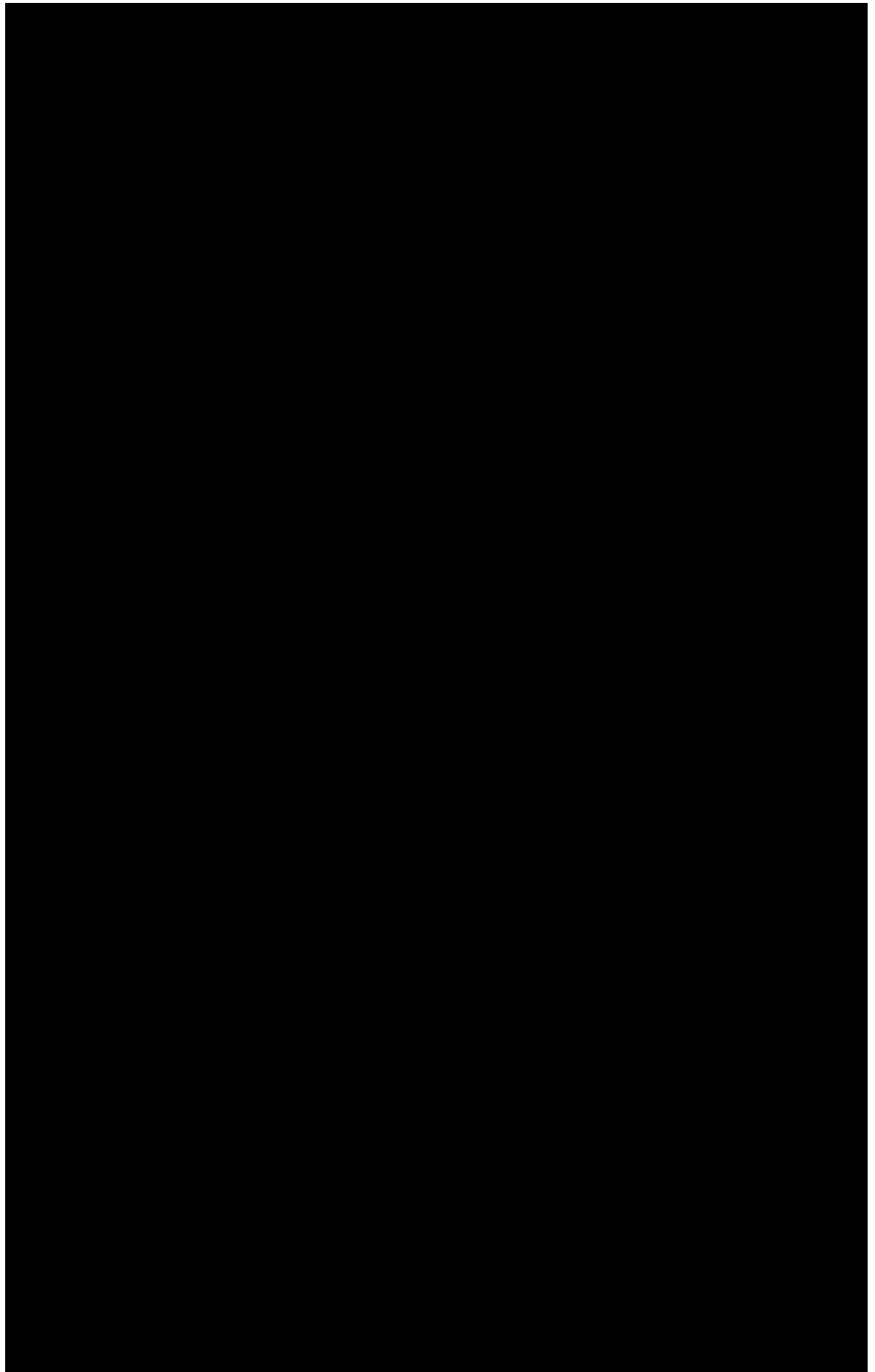
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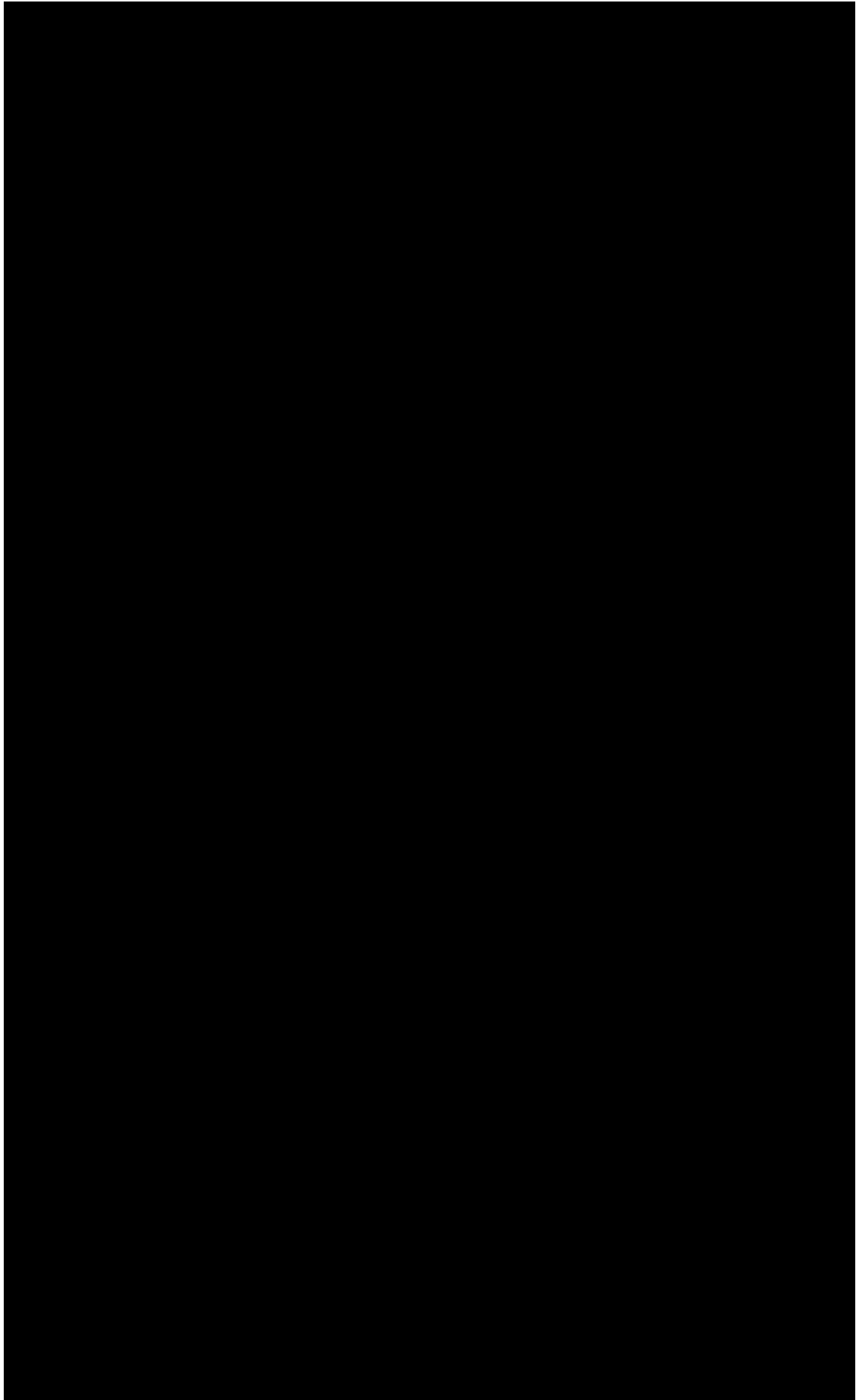
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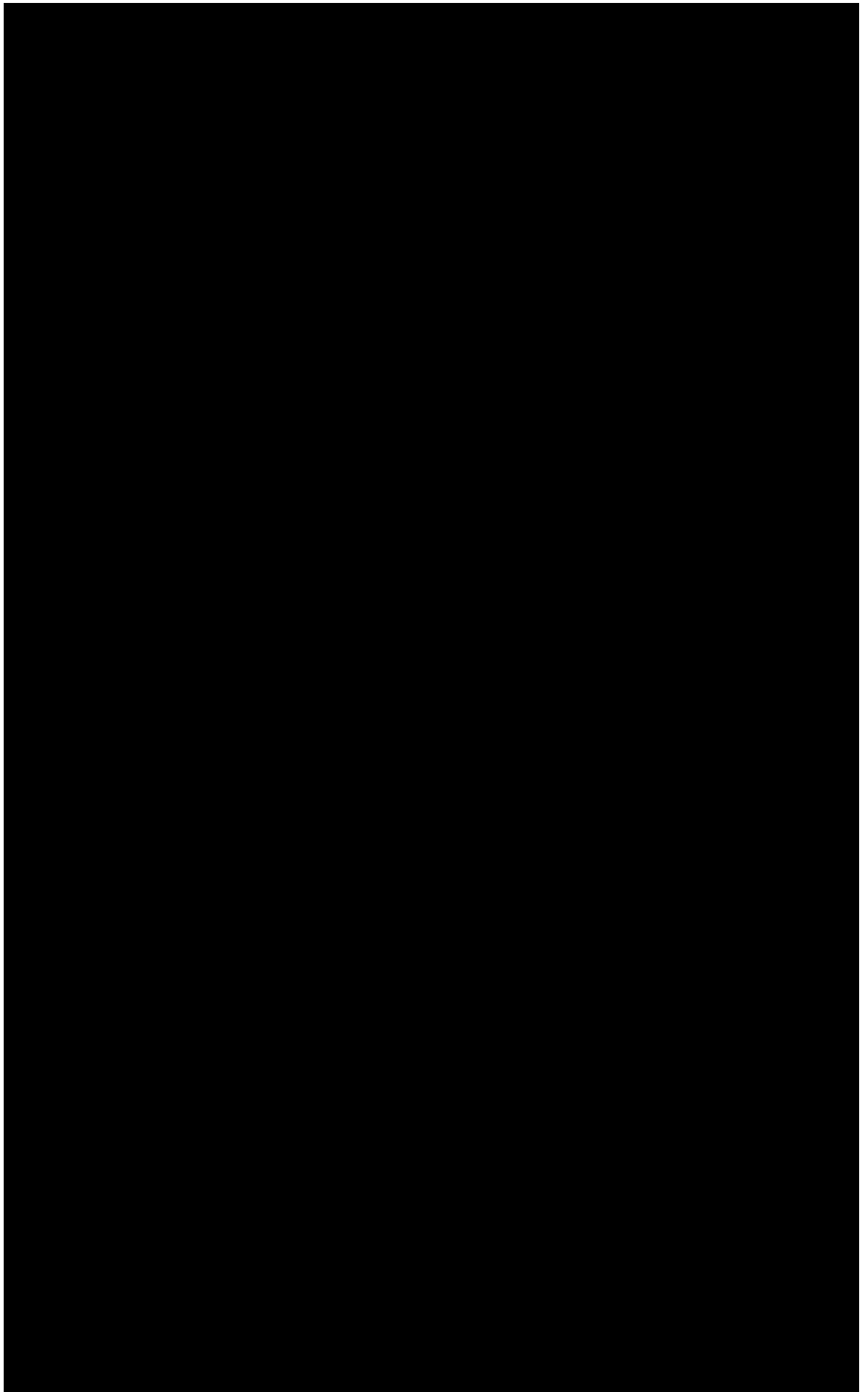
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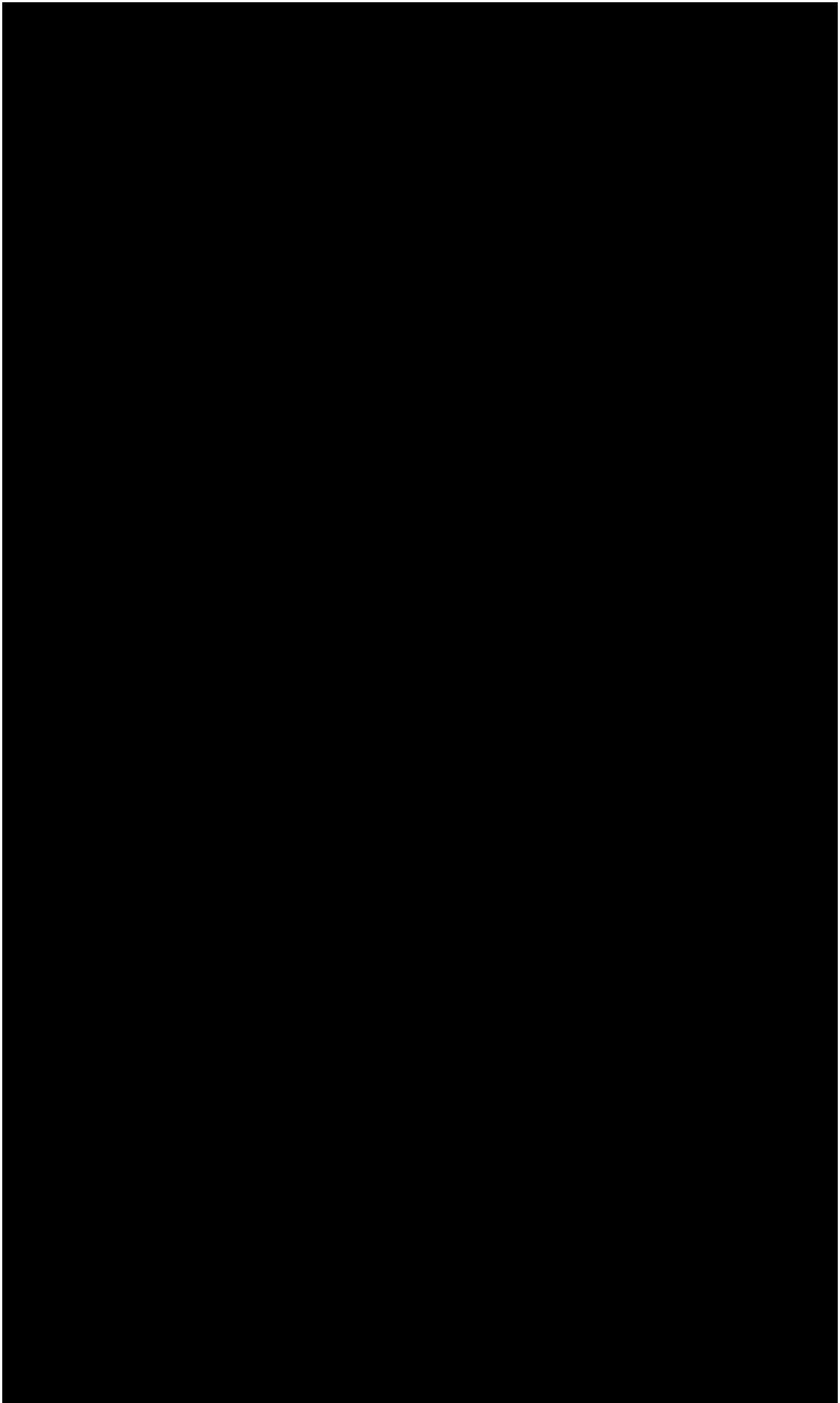
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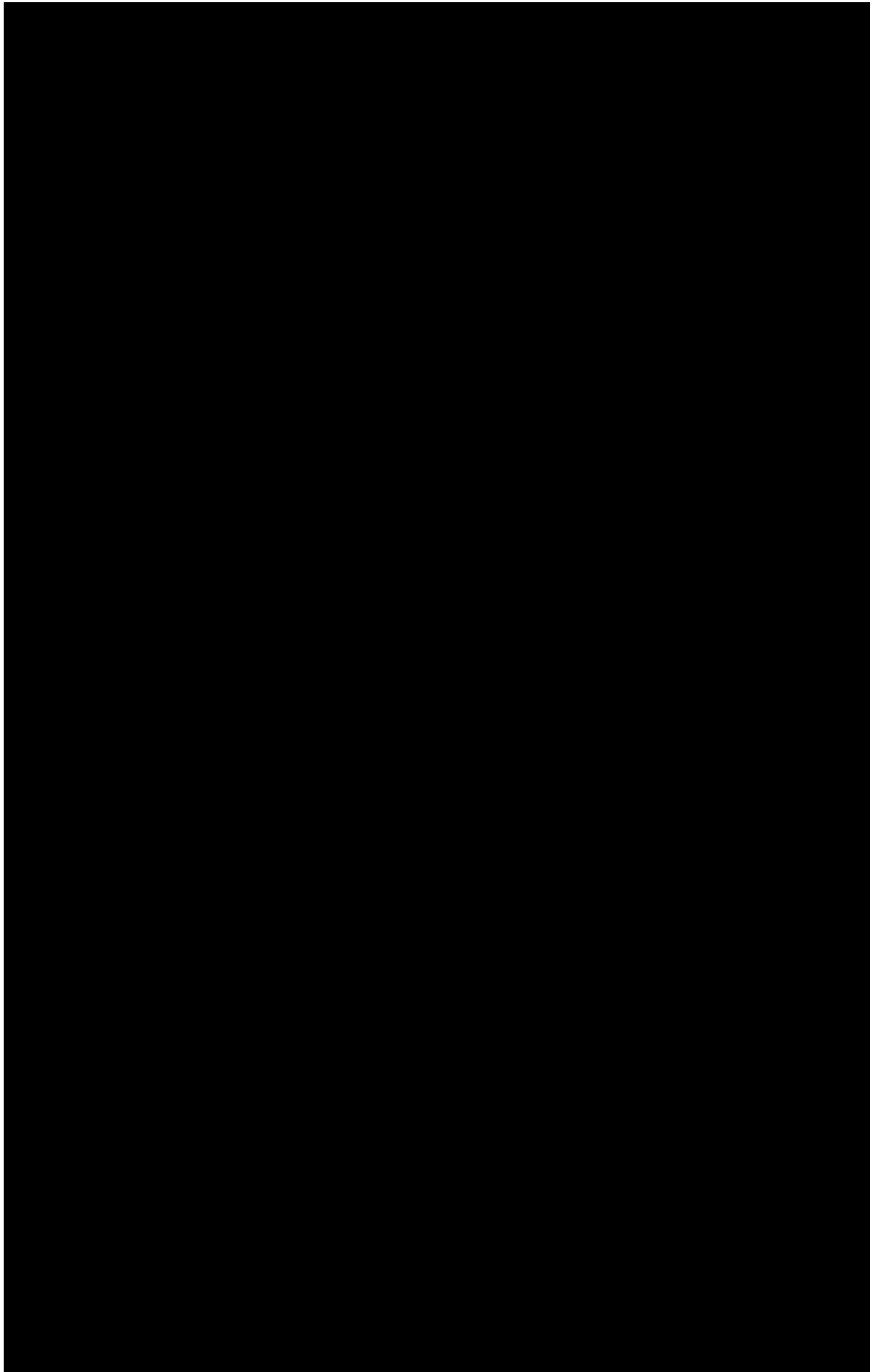
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23 THE WITNESS: Sir, I didn't do the day
24 to day. I didn't actually review the IRR. There

1 were individuals that reported to me that actually
2 conducted those reviews.

3 BY MR. BAKER:

4 Q Okay. And what did you tell the people
5 that worked under you that were conducting those
6 reviews that you expected them to do with respect
7 to reviewing the IRRs?

8 MS. MILLER: Object to form.

9 THE WITNESS: There were criterias in
10 place that they were to go by when they were
11 reviewing those reviews, sir. I don't remember
12 the -- the details behind -- you know, I know that
13 they looked at the reviews, each -- each customer
14 as it popped on -- that were populated, and if
15 there were reasons to believe that there were
16 additional reasons to do due diligence, then that
17 due diligence was conducted, sir.

18 BY MR. BAKER:

19 Q Okay. Now, Mr. Mortelliti was involved
20 with training the people that worked under you; is
21 that right?

22 A Yes, sir.

23 Q Okay. Did he train all four of those
24 people or had some involvement with training of

1 all four of those people?

2 MS. MILLER: Object to form.

3 THE WITNESS: I don't recall, but I

4 will -- I don't recall if he --

5 BY MR. BAKER:

6 Q Okay. If Mr. Mortelliti testified that

7 he trained Mr. Burtner, you would have no reason

8 to disagree with that, correct?

9 MS. MILLER: Objection to form.

10 THE WITNESS: No, sir, I would have no

11 reason to --

12 BY MR. BAKER:

13 Q If Mr. Mortelliti testified -- I want

14 you to assume that Mr. Mortelliti has -- that his

15 testimony is to the effect that any time a

16 hydrocodone-combination product appeared on the

17 daily IRR report that that would cause him to

18 refer it for further investigation, every single

19 one of them, is that consistent with how you ran

20 your program in Knoxville?

21 MS. MILLER: Object to form.

22 THE WITNESS: Sir, I don't recall.

23 BY MR. BAKER:

24 Q Okay. You don't recall whether or not

1 you ran your program in Knoxville such that every
2 single hydrocodone-combination product order that
3 appeared on the IRR was -- was subjected to
4 further due diligence? You don't recall that one
5 way or the other?

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18 MS. MILLER: Bill, could we take a break
19 in a few minutes, please?

20 MR. BAKER: I'm -- yeah, I'm -- I've
21 got -- can we get to 11:00? We've already taken
22 two breaks and we haven't been three hours.

23 MS. MILLER: Yeah, well, let's -- let's
24 see how -- Pam, are you ready for a break?

1 MR. BAKER: No, I'm ready to finish like
2 until 11:00, because I don't want -- I want to
3 finish this line of questioning, if I could.

4 MS. MILLER: Well, let's see. I mean
5 it's up to the witness.

6 If you -- if you need a break before
7 that --

8 MR. BAKER: Actually not --

9 MS. MILLER: -- say the word.

10 MR. BAKER: -- because that was -- you
11 didn't ask me to take a break, but if you need a
12 bathroom break, we can do that, but I don't want
13 to take a break right in the middle of my line of
14 questioning, okay?

15 So do you need a bathroom break right
16 this minute?

17 MS. MILLER: Are -- are you good for a
18 little bit longer, and then we can take a little
19 bit longer break?

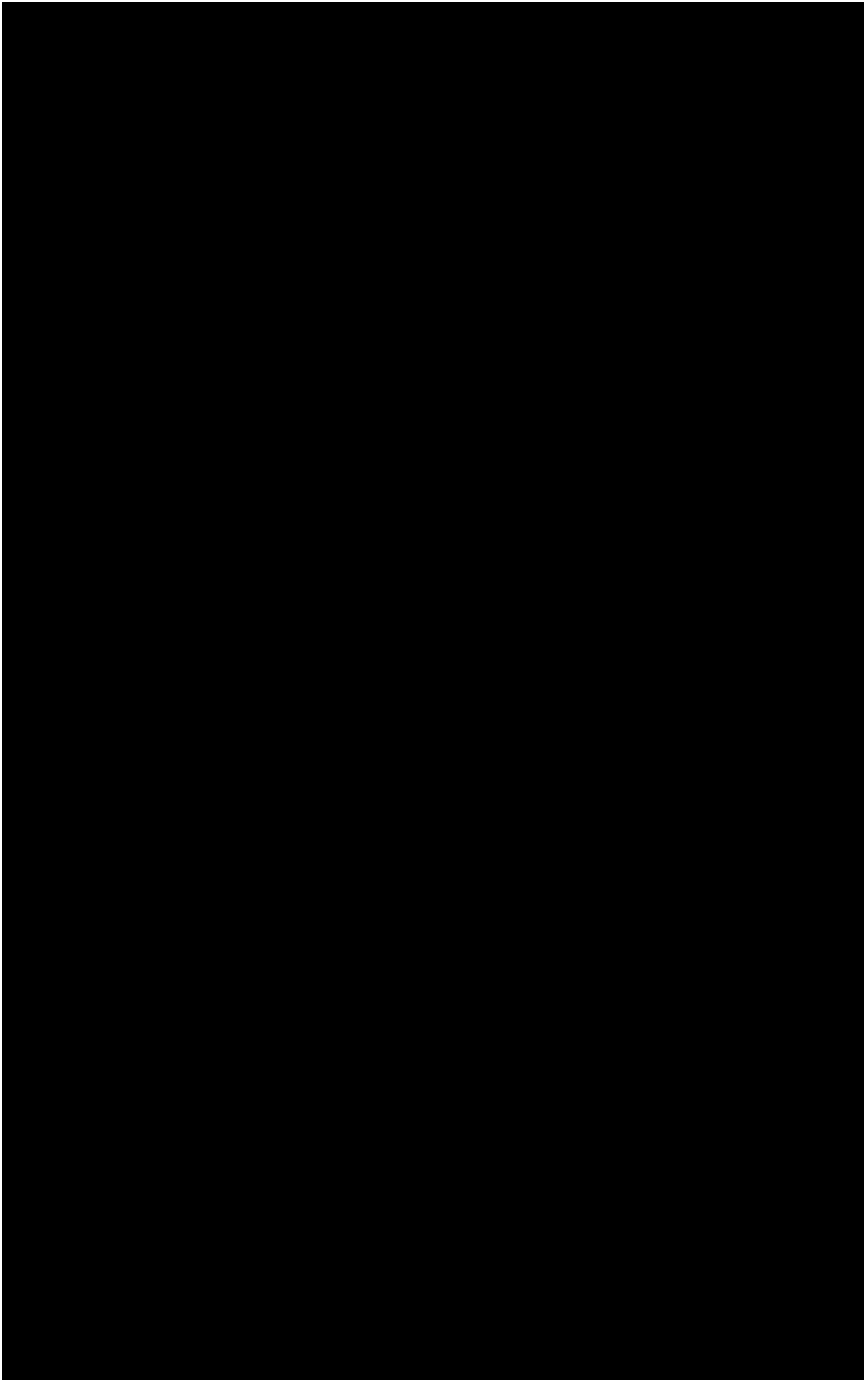
20 MR. BAKER: Yeah.

21 MS. MILLER: We've been going for close
22 to 50 minutes.

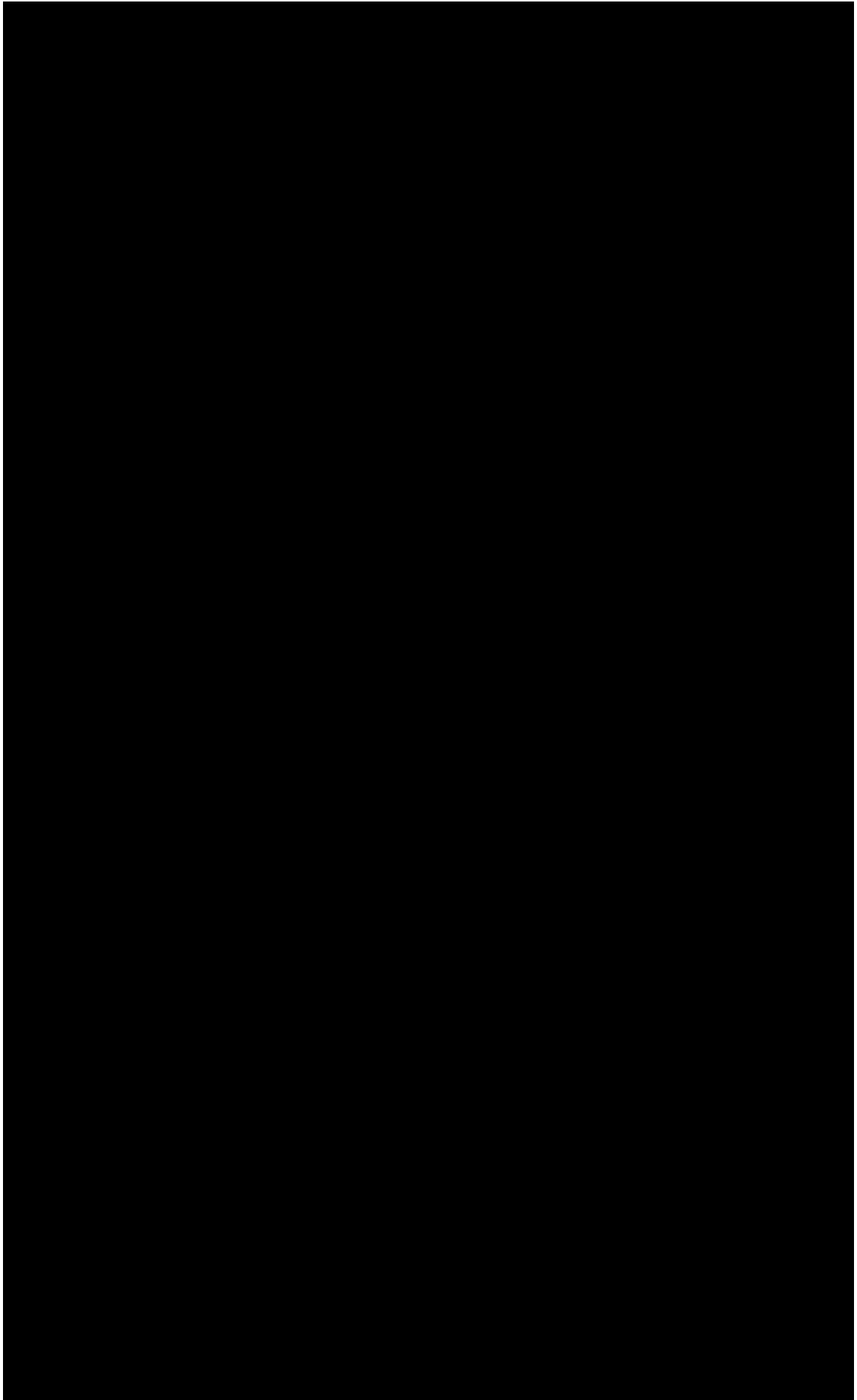
23 MR. BAKER: All right. So let's go.

24 MS. MILLER: Just so --

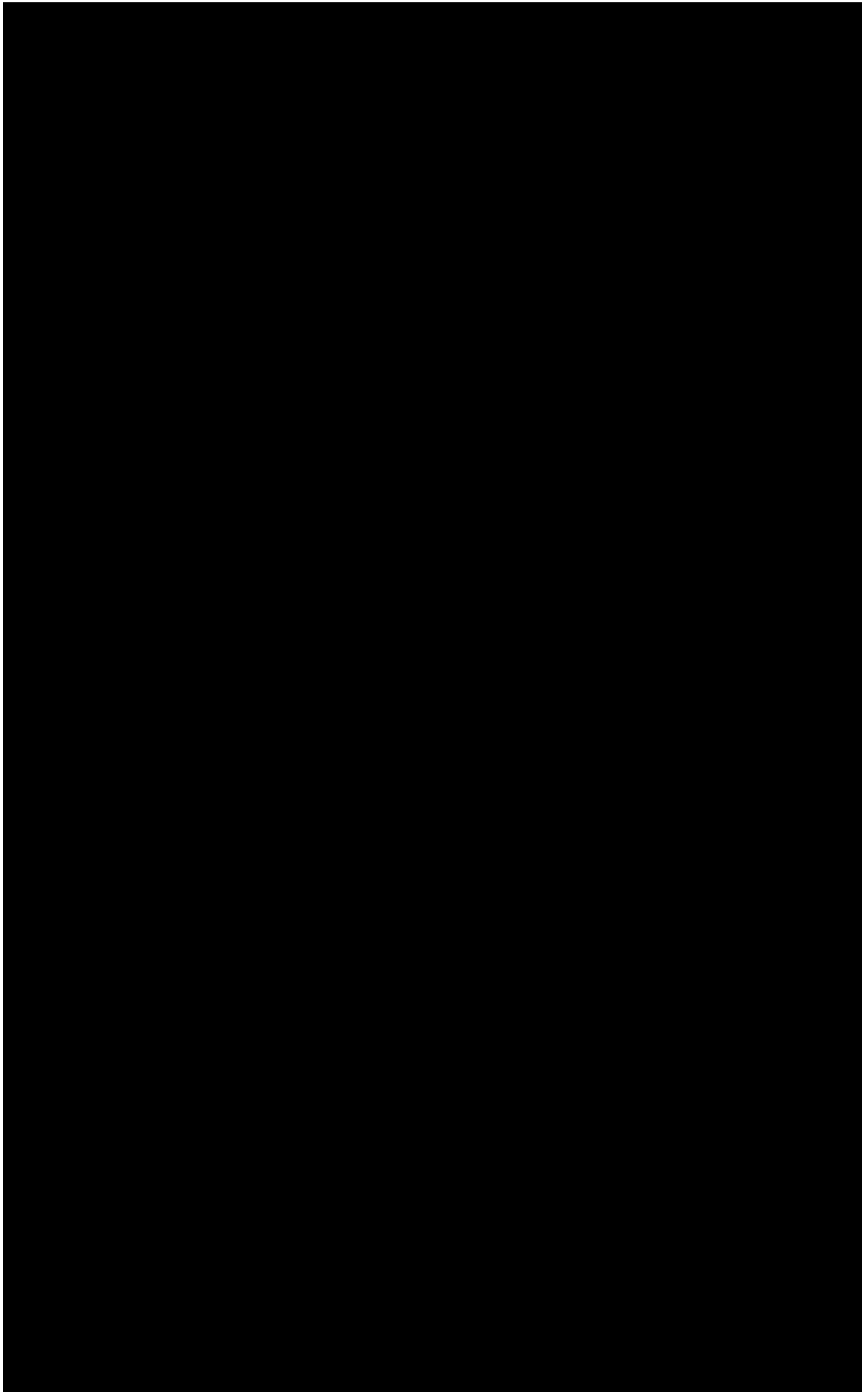
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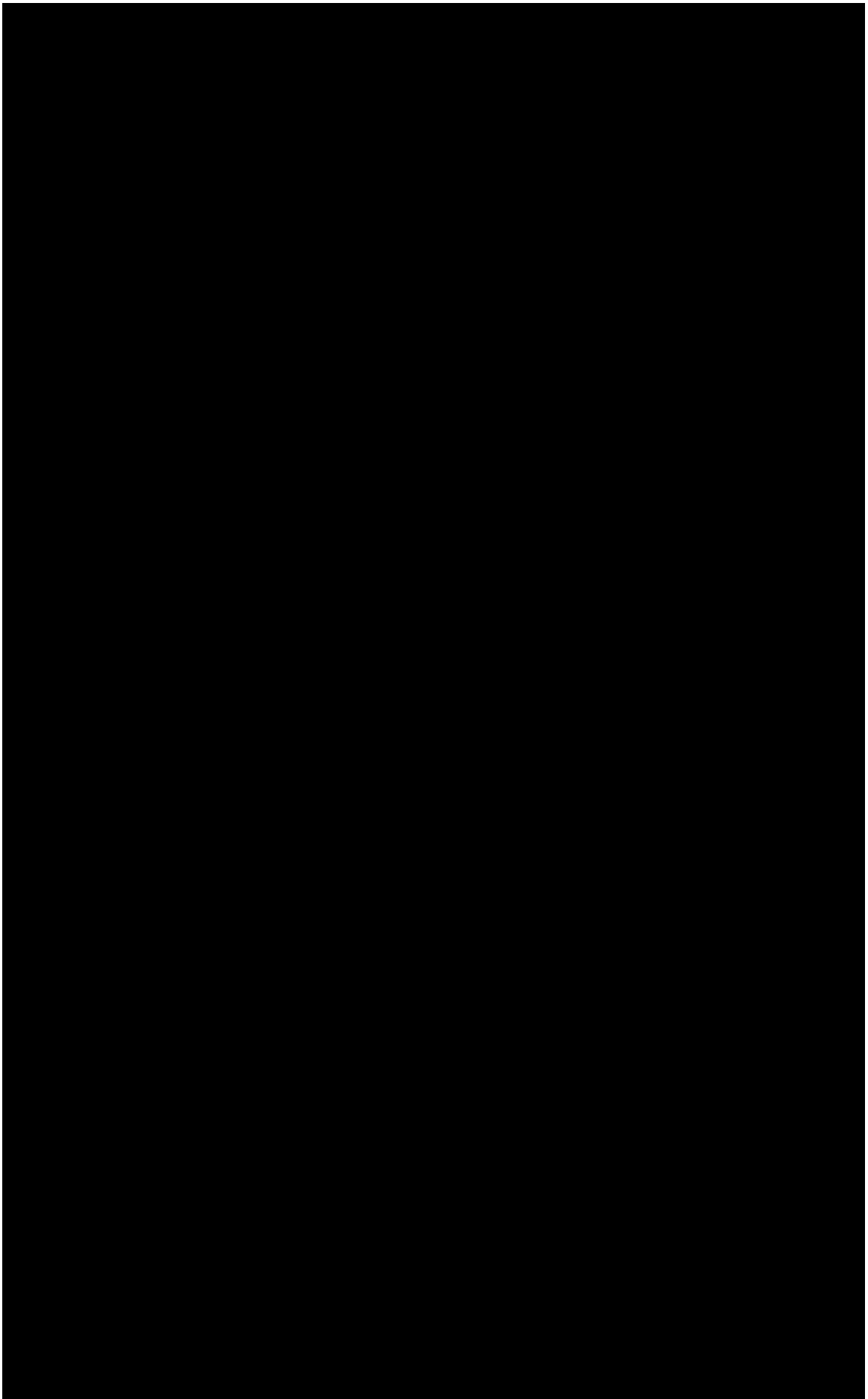
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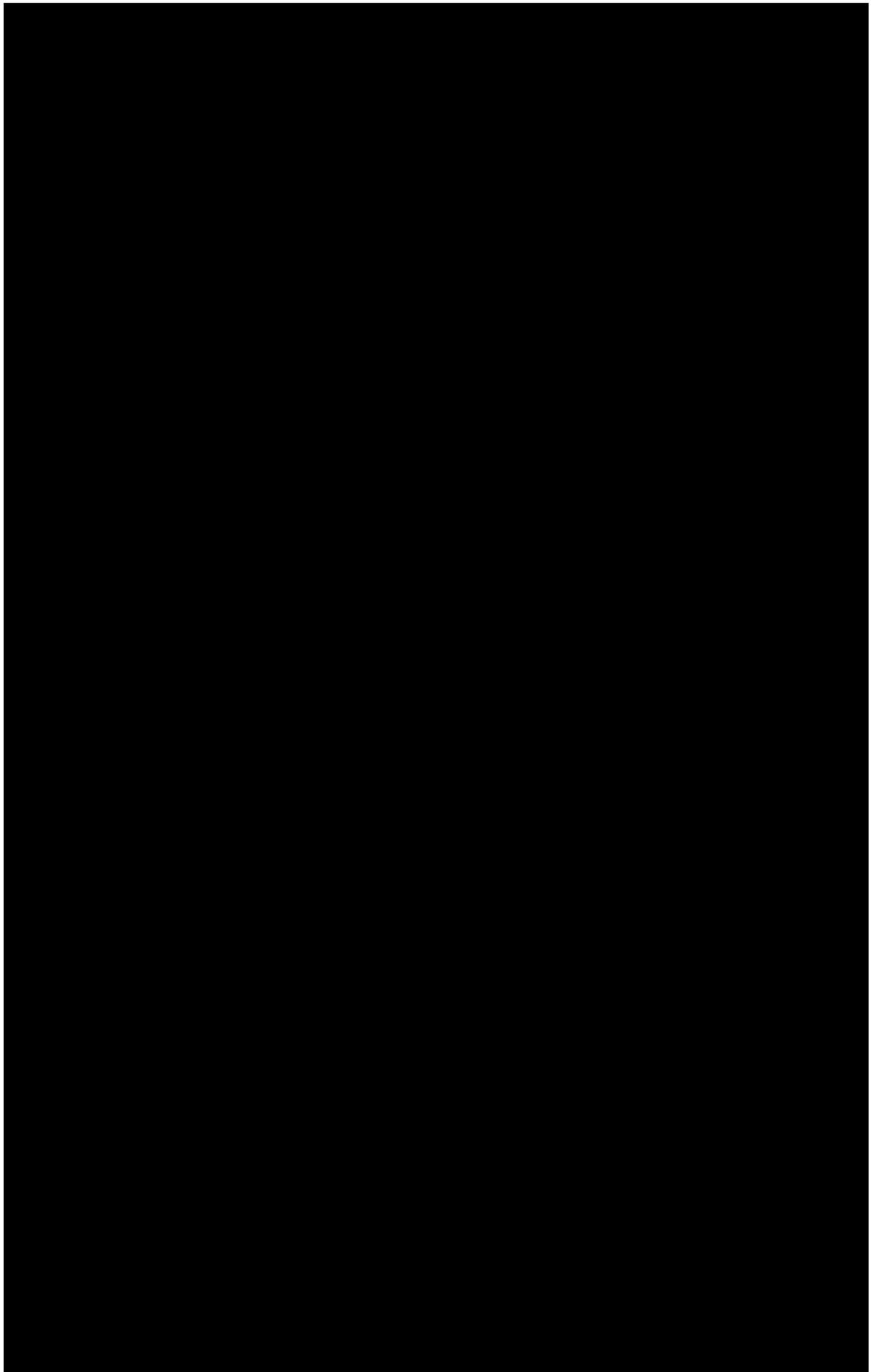
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11 MR. BAKER: Okay. Fair enough. We'll
12 take a five-minute break.

13 THE VIDEOGRAPHER: The time is 10:49
14 a.m. We're going off the record.

15 (Recess.)

16 THE VIDEOGRAPHER: The time is 11:05
17 a.m., and we're back on the record.

18 BY MR. BAKER:

19 Q Ms. Hinkle, during the break that we
20 just took, it was about 15 minutes; is that right?

21 MS. MILLER: Object to form.

22 BY MR. BAKER:

23 Q Is that right?

24 A Sir, I didn't look at the time.

1 Q Give me your best estimate.

2 MS. MILLER: Object to form.

3 BY MR. BAKER:

4 Q Ms. Hinkle, that's a very simple
5 question.

6 I'm going to tell you that based upon
7 when we went off the record to the time we went
8 back on was about 15 minutes.

9 Do you have any reason to disagree with
10 that?

11 A No, sir, I just don't -- I just don't --

12 Q Did you talk to your attorney about your
13 testimony in this case during that break?

14 MS. MILLER: I'm going to object based
15 on attorney-client privilege, and instruct the
16 witness not to answer.

17 MR. BAKER: That is not accurate.
18 You're not supposed to talk to the witness during
19 the break. It's just as if she's on a -- on a
20 witness stand in a federal court. The federal
21 rules of procedure and the ethics rules permit me
22 to ask that question, and also -- also prohibit
23 you from coaching the witness or talking to the
24 witness during breaks.

1 BY MR. BAKER:

2 Q Now, did you talk to your attorney about
3 your testimony in this case during that break?

4 I'm allowed to ask that question if she did.

5 MS. MILLER: Object.

6 Based on attorney-client privilege, I
7 instruct you not to answer.

8 MR. BAKER: Okay. I'm going to ask you
9 not to talk to her about her testimony during the
10 breaks, and we're not going to take an excessive
11 numbers of breaks at every 30 to 45 minutes. If I
12 get to a middle of a line of questioning, we're
13 going to finish that line of questioning and not
14 take a break, and you're prohibited, I'm going t
15 tell you, from talking to her about her testimony
16 during breaks.

17 It's very obvious that's what you're
18 doing. It's very obvious that the witness has
19 been coached. And it's very obvious that she's
20 intentionally looking around and taking long
21 breaks between the questions and the time that she
22 gives the answers. That's very obvious.

23 BY MR. BAKER:

24 Q I've been doing this for 35 years. I'm

1 not -- this is not my first deposition. This is
2 not my first rodeo, ma'am. And let me explain,
3 I'm not going to put up with it from now to the
4 end of this deposition. No more talking to your
5 attorney during the breaks.

6 If you do, I'm going to ask you, did you
7 talk to her, and if she instructs you not to
8 answer, it's because you did talk to her. And if
9 that happens, I'm going to call up the judge and
10 I'm going to report this.

11 Do you understand that?

12 MS. MILLER: Objection to the speech and
13 the lecture, and I instruct you to listen to the
14 questions as you were doing before.

15 BY MR. BAKER:

16 Q Did you talk to your attorney about your
17 testimony during the break?

18 MS. MILLER: Objection. Attorney-client
19 privilege. Instruct you not to answer.

20 BY MR. BAKER:

21 Q I'm going to tell you, Don't do it.

22 MS. MILLER: Objection.

23 BY MR. BAKER:

24 Q All right. Now, let's move forward.

1 MS. MILLER: Objection to the tone.

2 Objection to the treatment of the witness during
3 this deposition.

4 MR. BAKER: Look, I know what's going on
5 here --

6 MS. MILLER: You're out of line.

7 MR. BAKER: -- Ms. Miller, and you can't
8 tell me that I'm not -- that it's not obvious
9 what's going on. It's very obvious. I'm just
10 asking you not to do it.

11 MS. MILLER: Bill, I ask you to be
12 professional and courteous.

13 MR. BAKER: I am professional and
14 courteous --

15 MS. MILLER: And let's move on with the
16 deposition.

17 MR. BAKER: -- but, look, don't -- don't
18 act like that's not what just happened.

19 MS. MILLER: Let's move on.

20 MR. BAKER: That's exactly what
21 happened.

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4 BY MR. BAKER:

5 Q All right. Ma'am, do you know who the
6 DEA is?

7 A Yes, sir.

8 Q Who is that?

9 A Drug Enforcement Agency.

10 Q And you realize the Drug Enforcement
11 Agency has jurisdiction over controlled substances
12 and the -- and you as a distributor of controlled
13 substances. You understand that?

14 MS. MILLER: Object to form.

15 THE WITNESS: I -- I understand, sir.

16 BY MR. BAKER:

17 Q Okay. And this -- during the period of
18 time that you worked at CVS as a manager in the
19 department that monitored the distribution of
20 controlled substances from the distribution
21 centers to the pharmacies --

22 You understand that, correct?

23 MS. MILLER: Object to form.

24 THE WITNESS: Yes, sir.

1 BY MR. BAKER:

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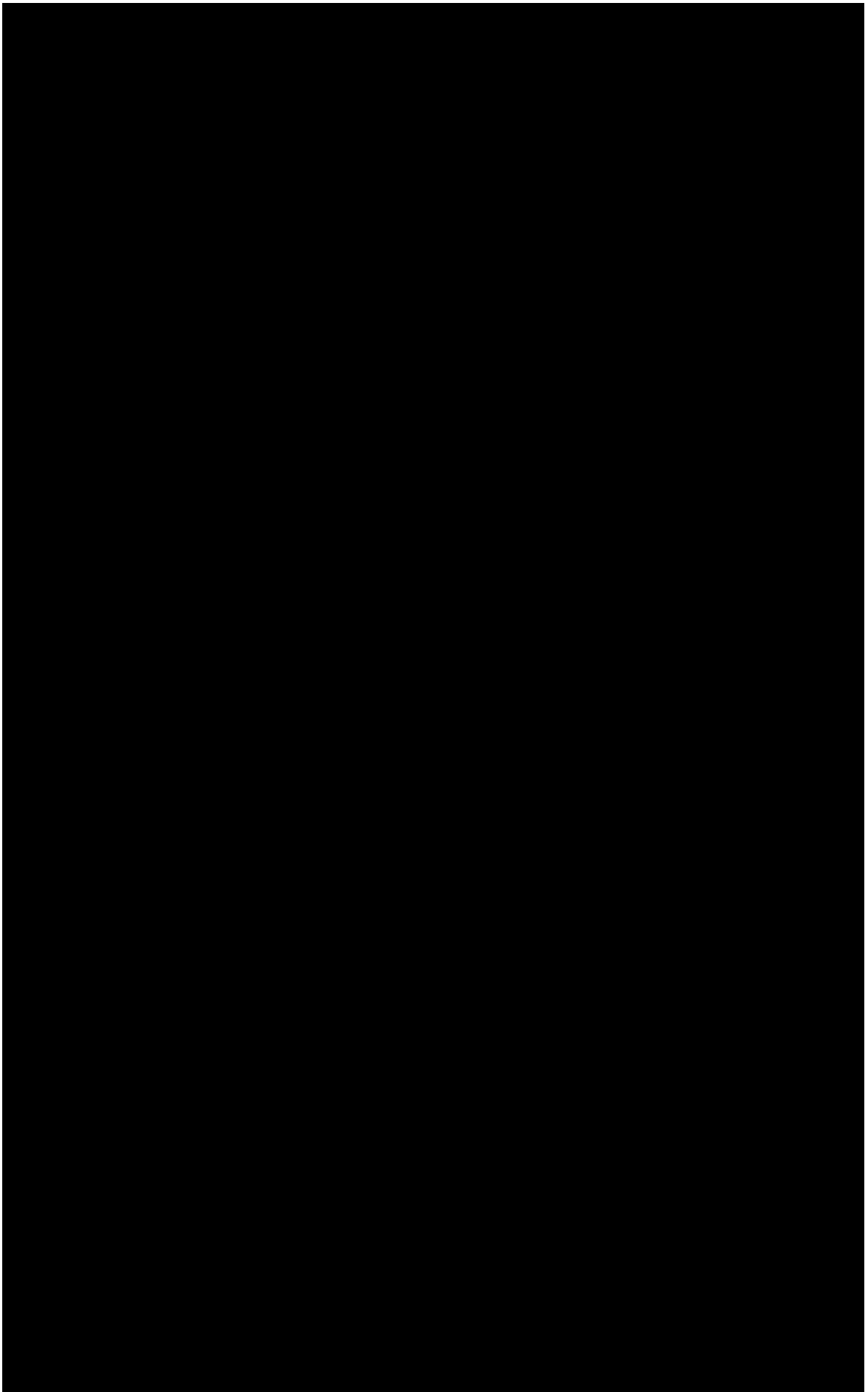
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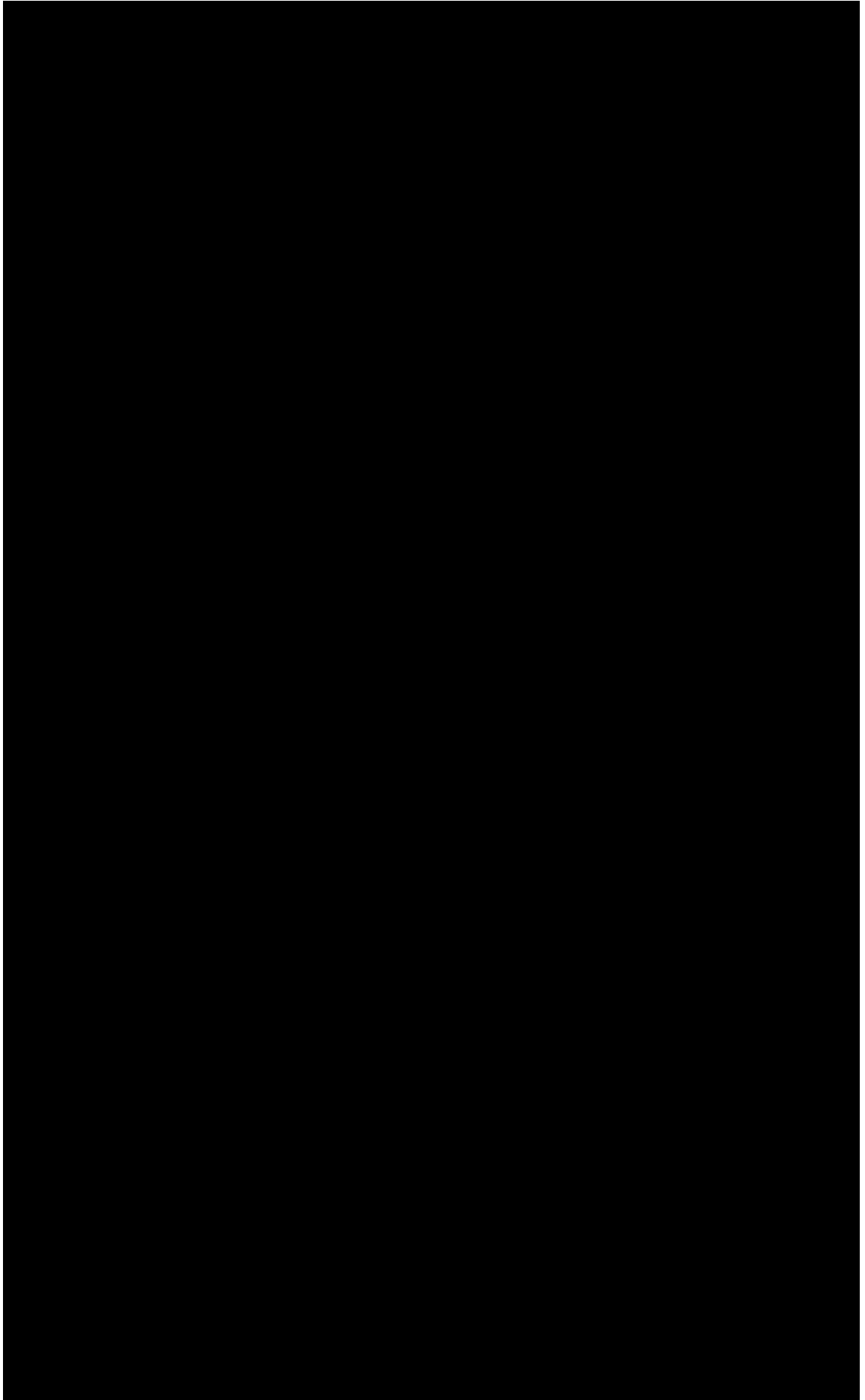
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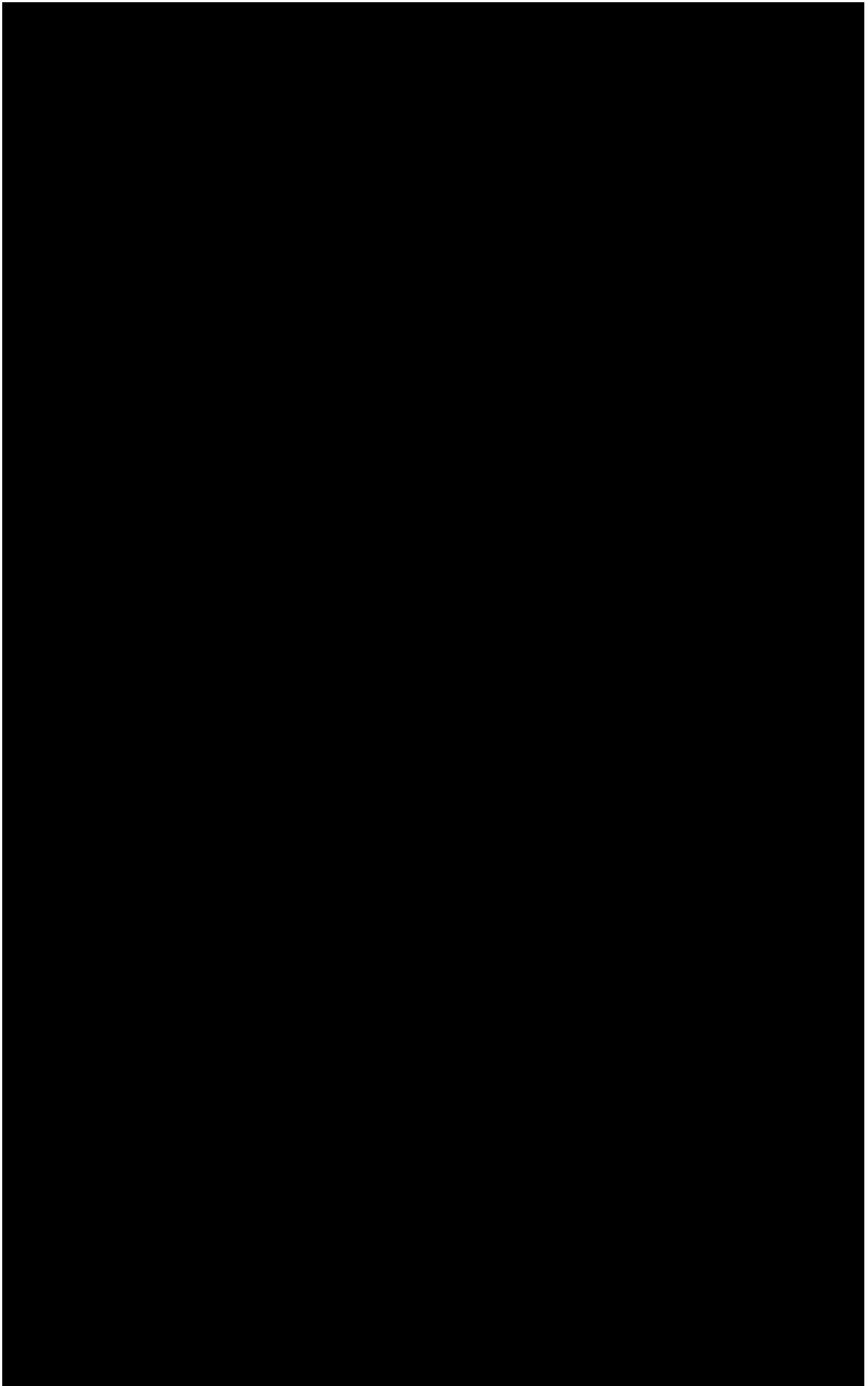
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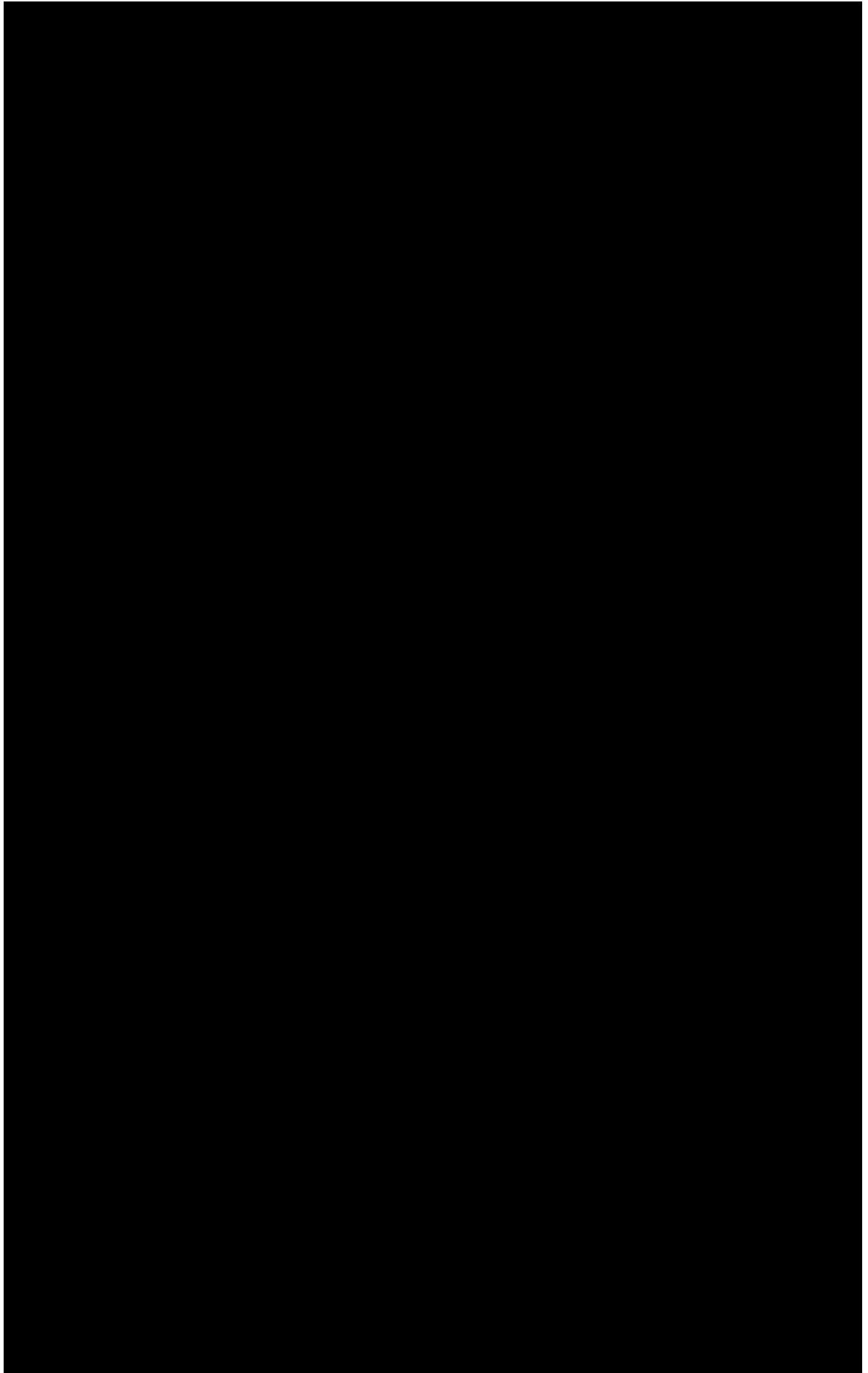
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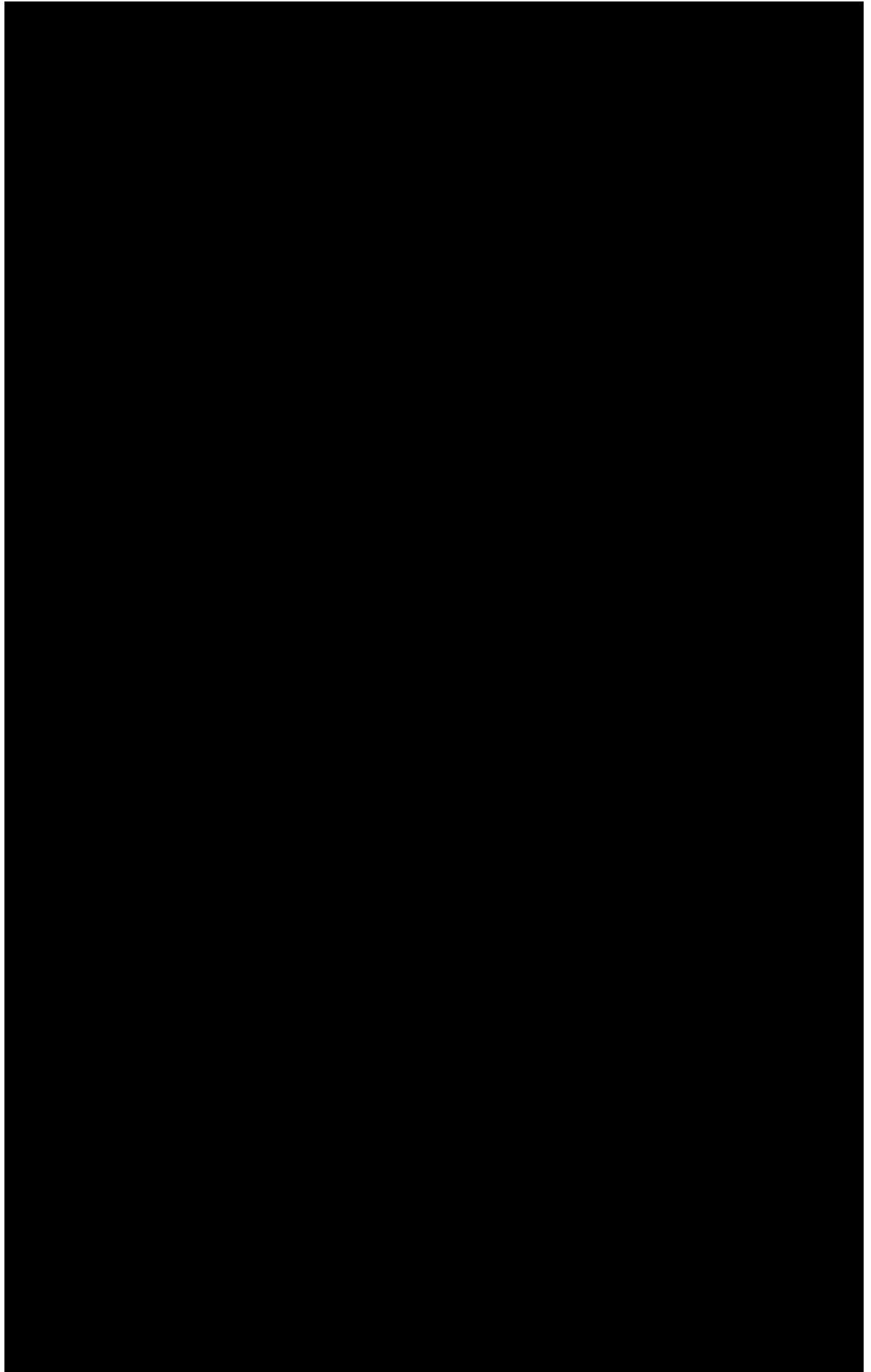
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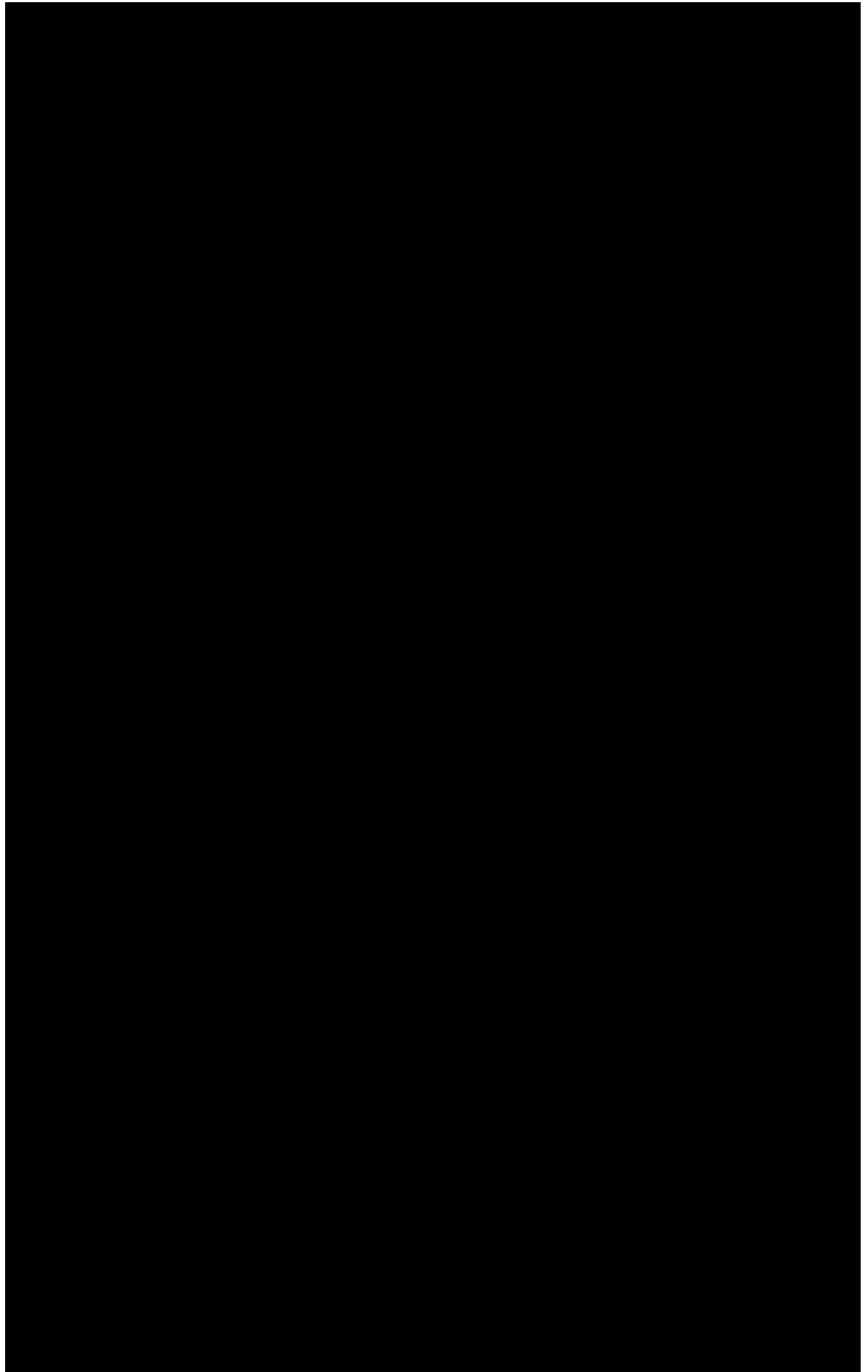
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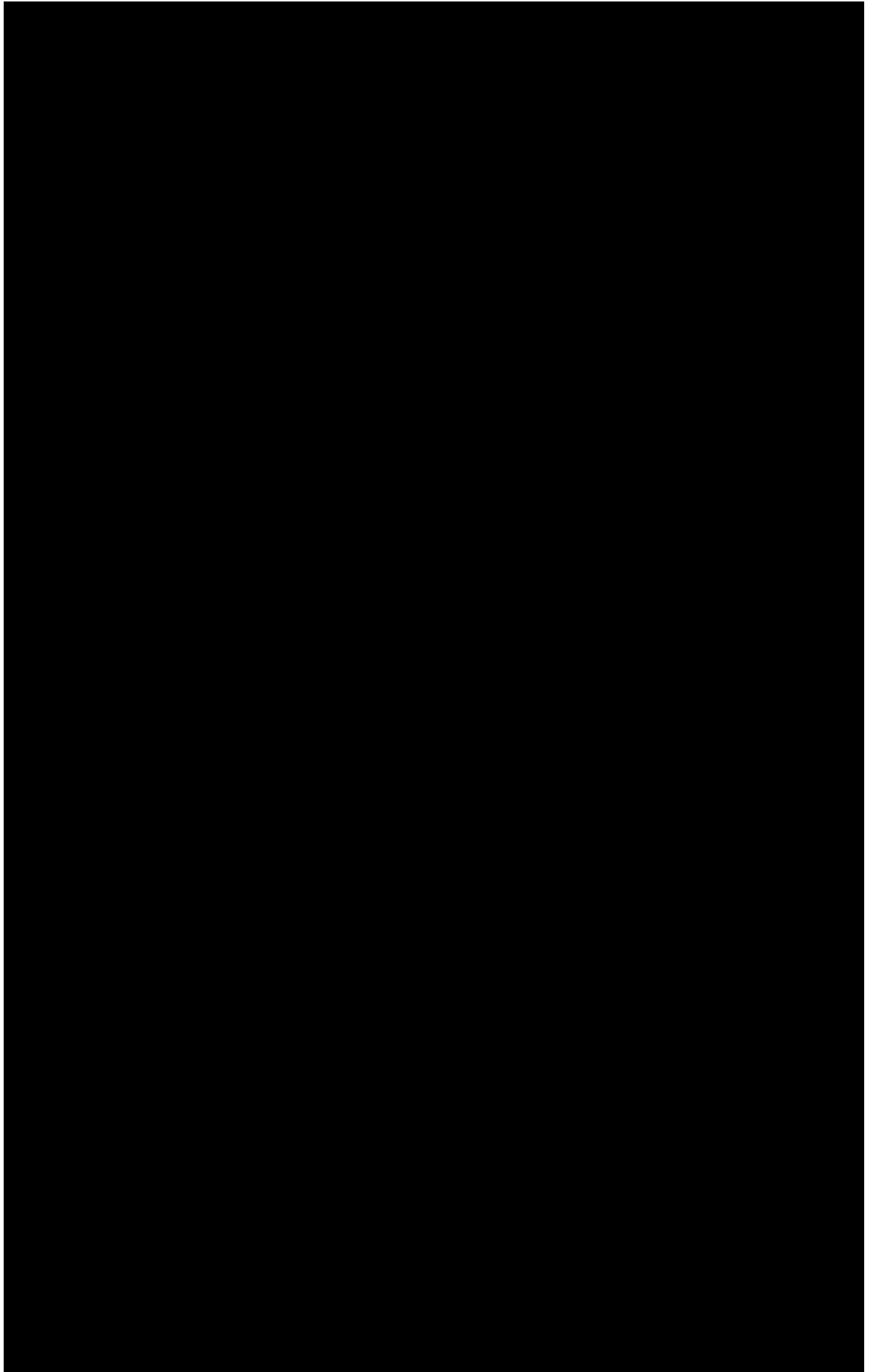
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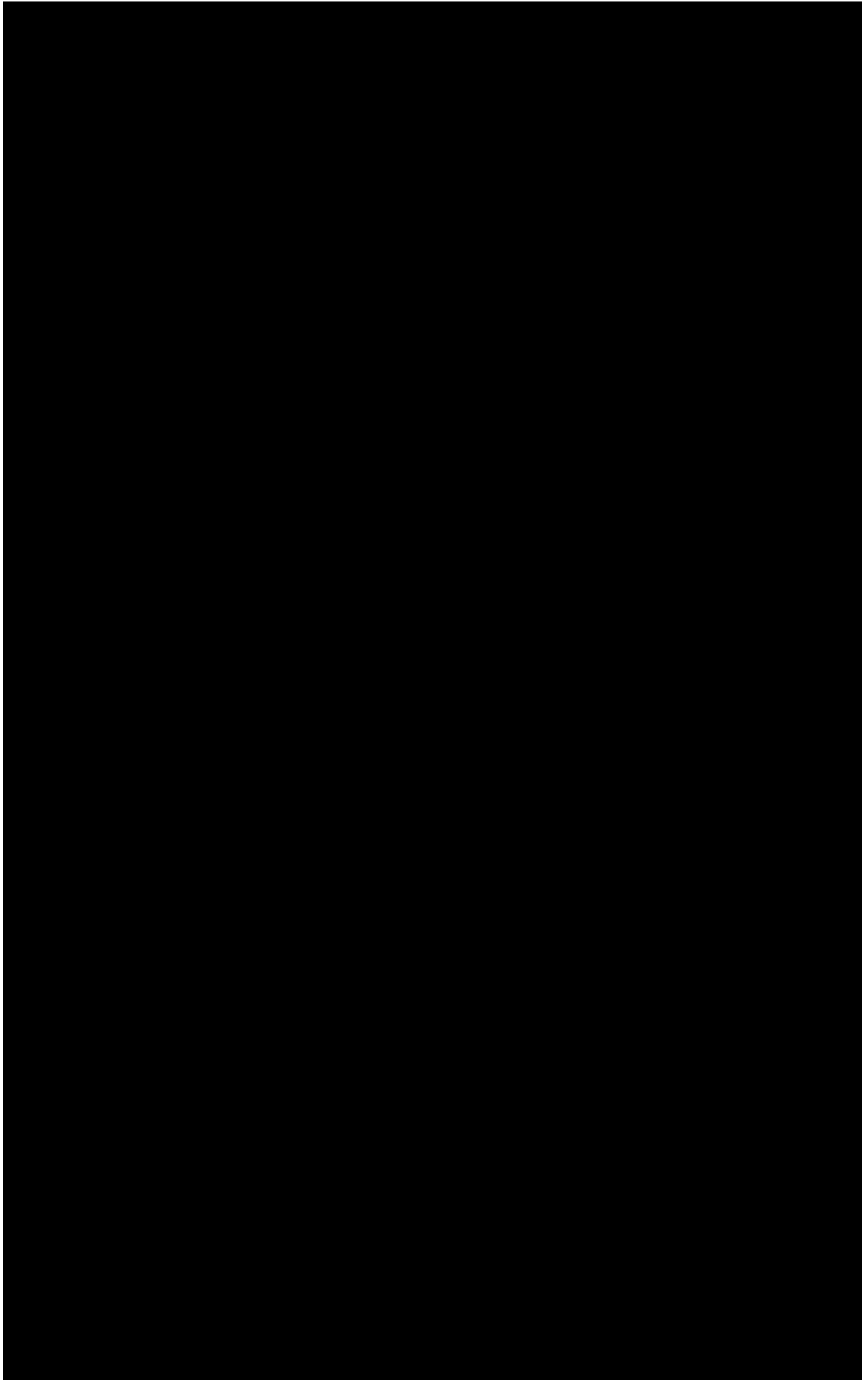
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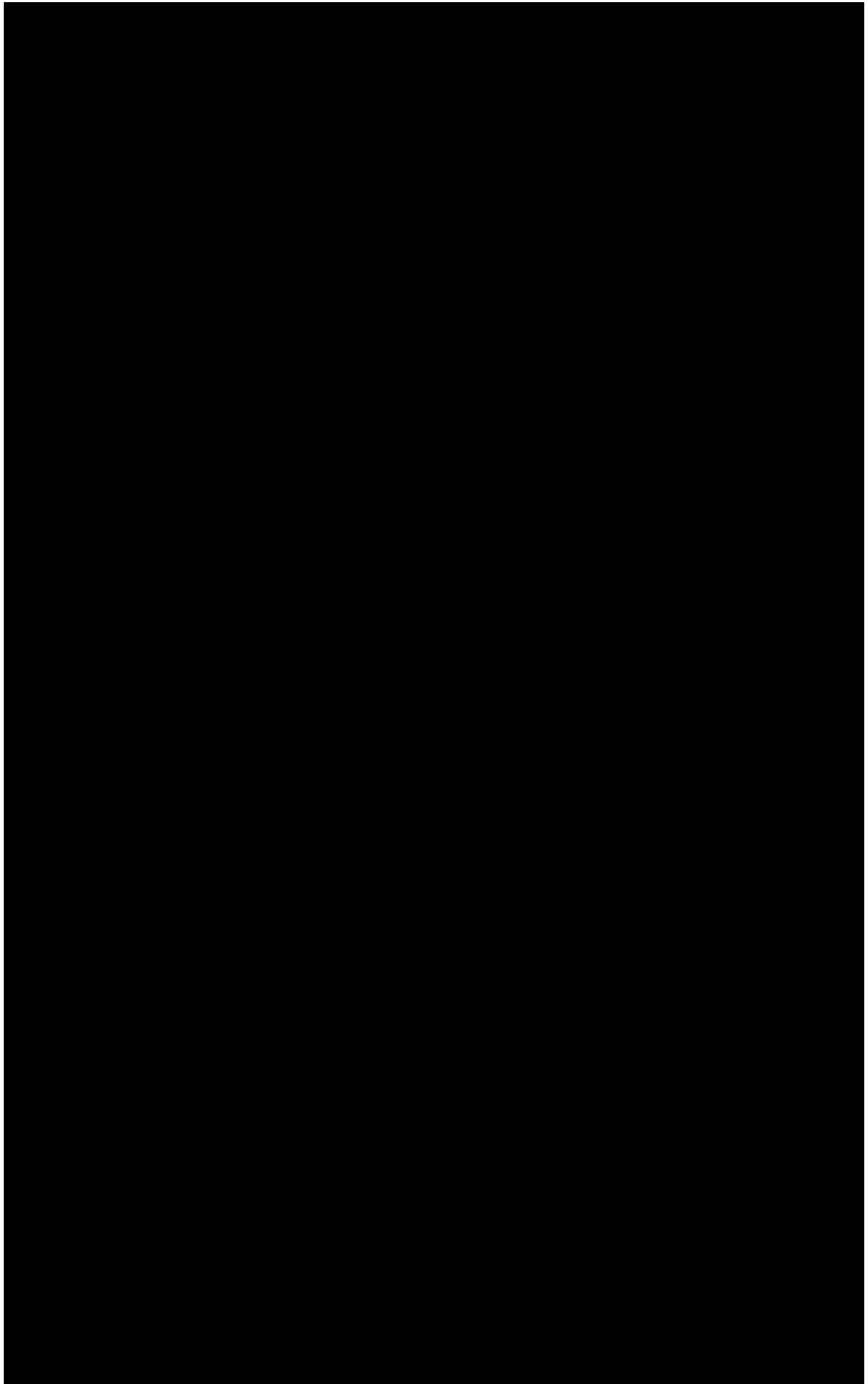
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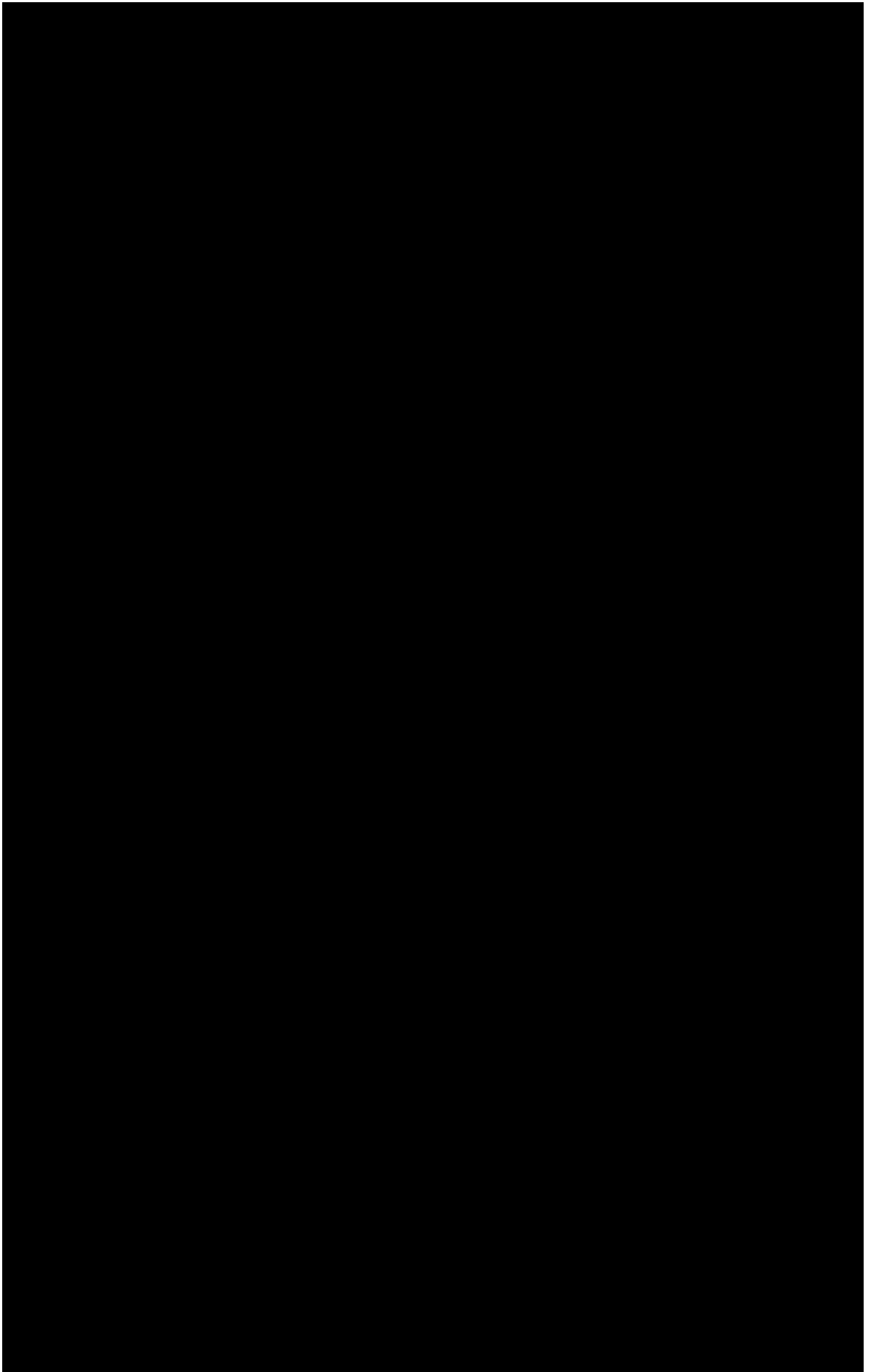
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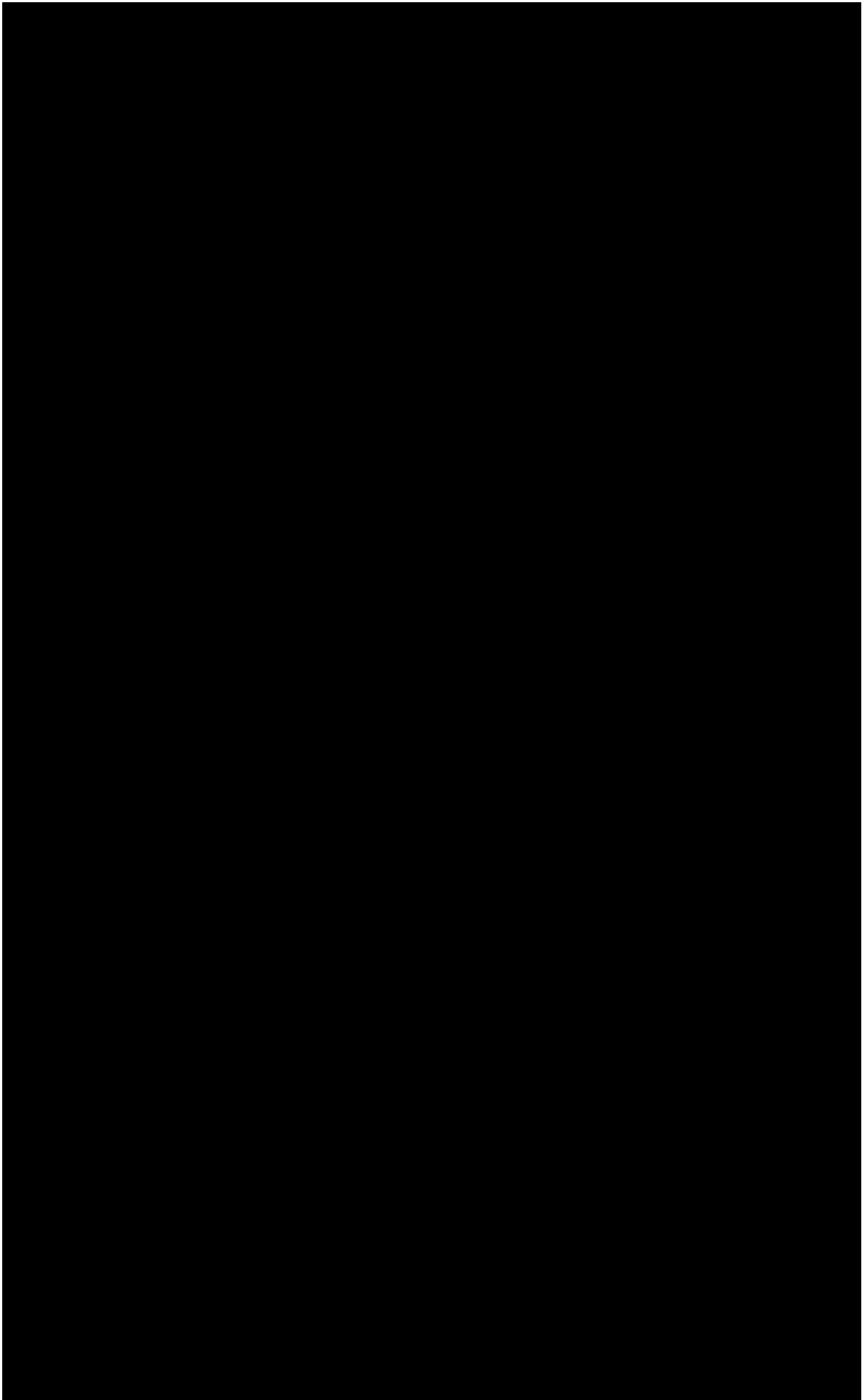
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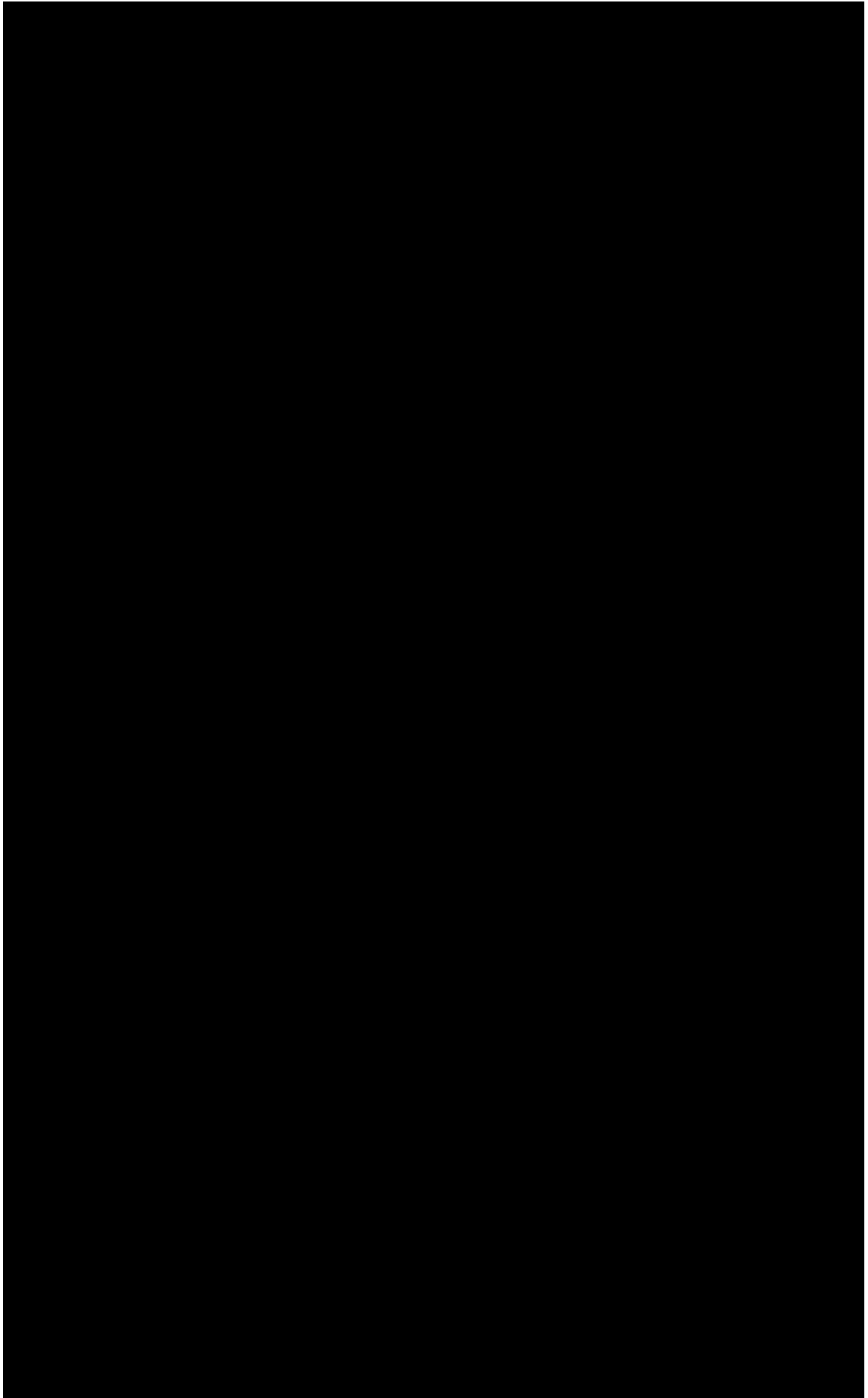
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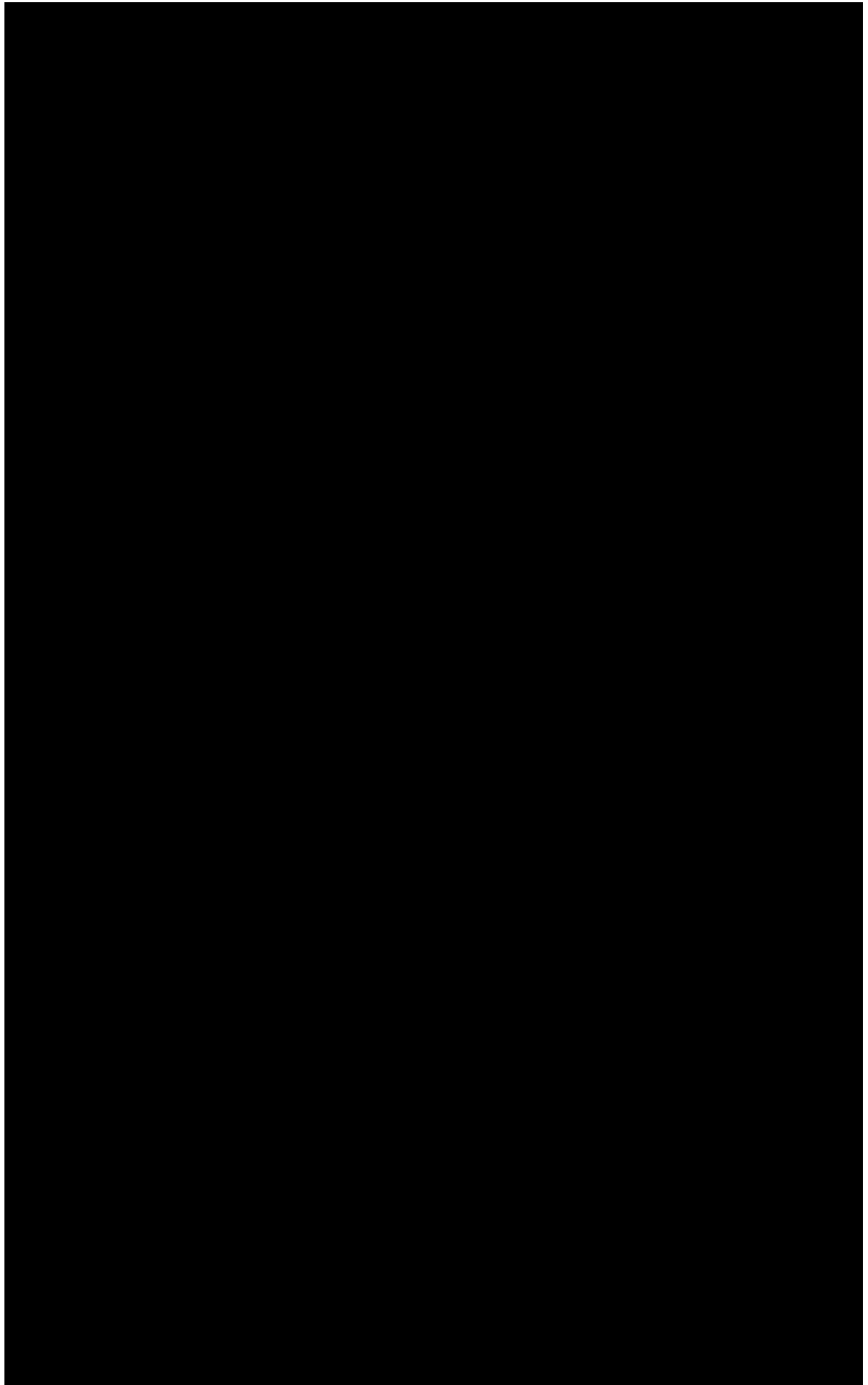
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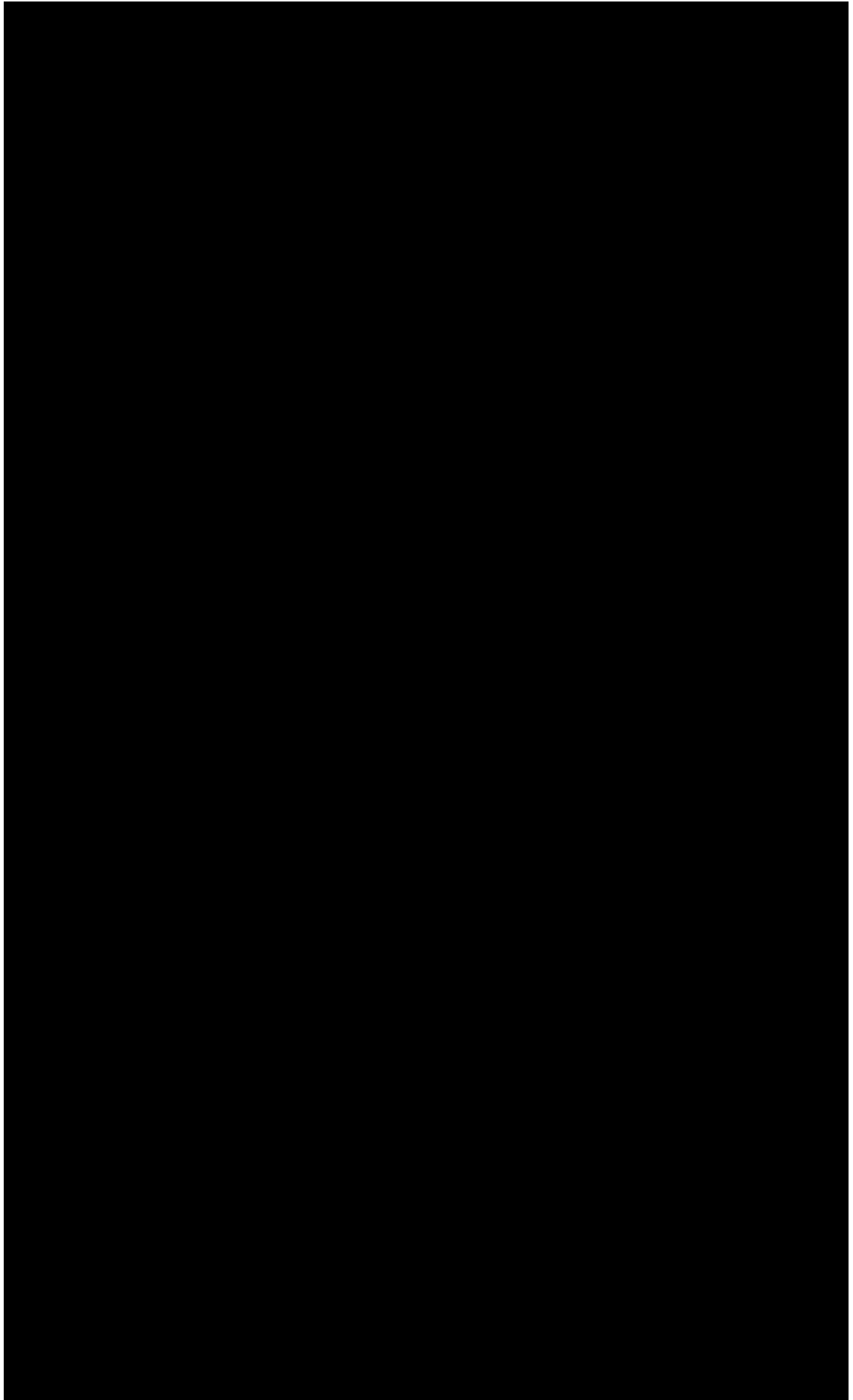
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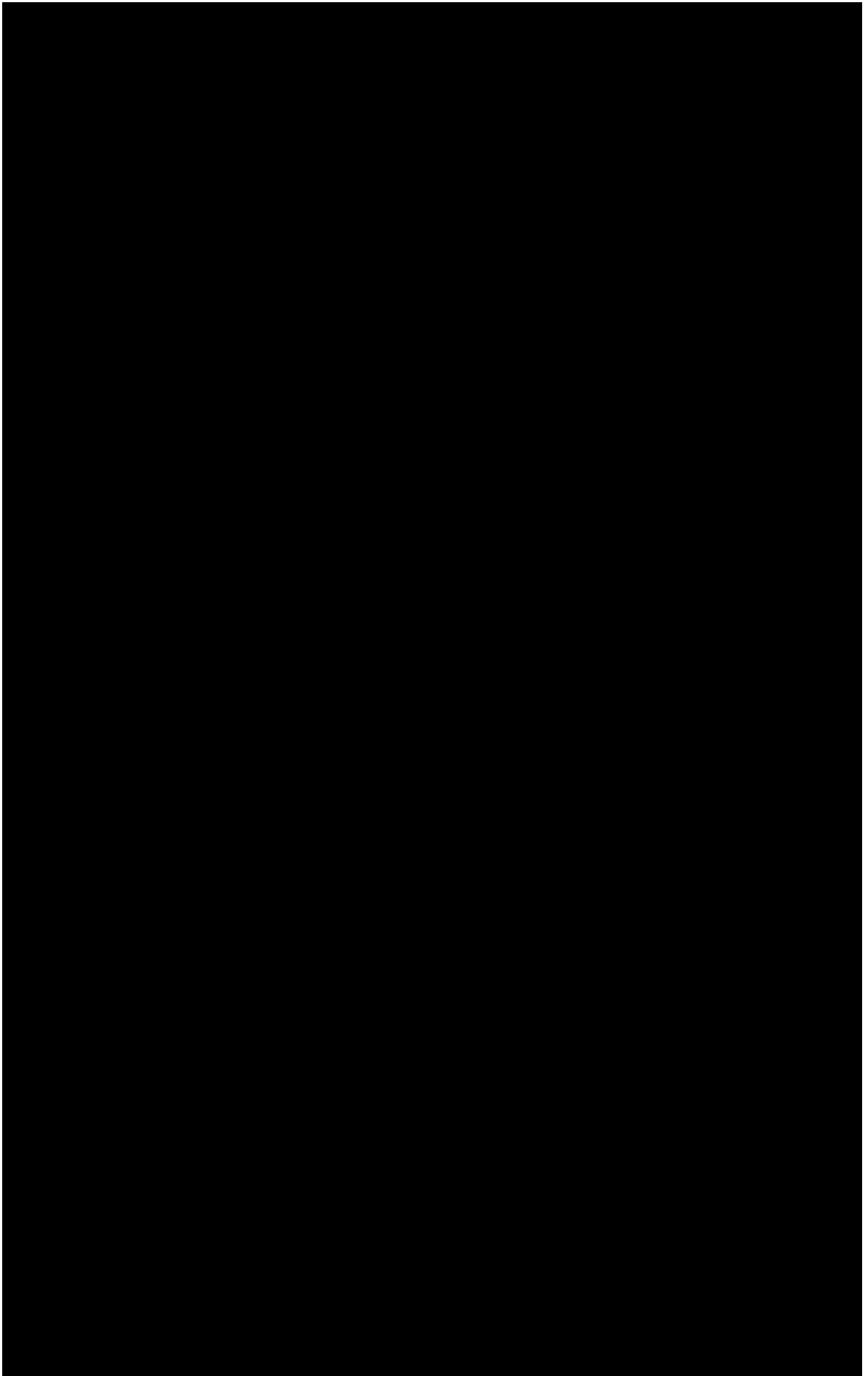
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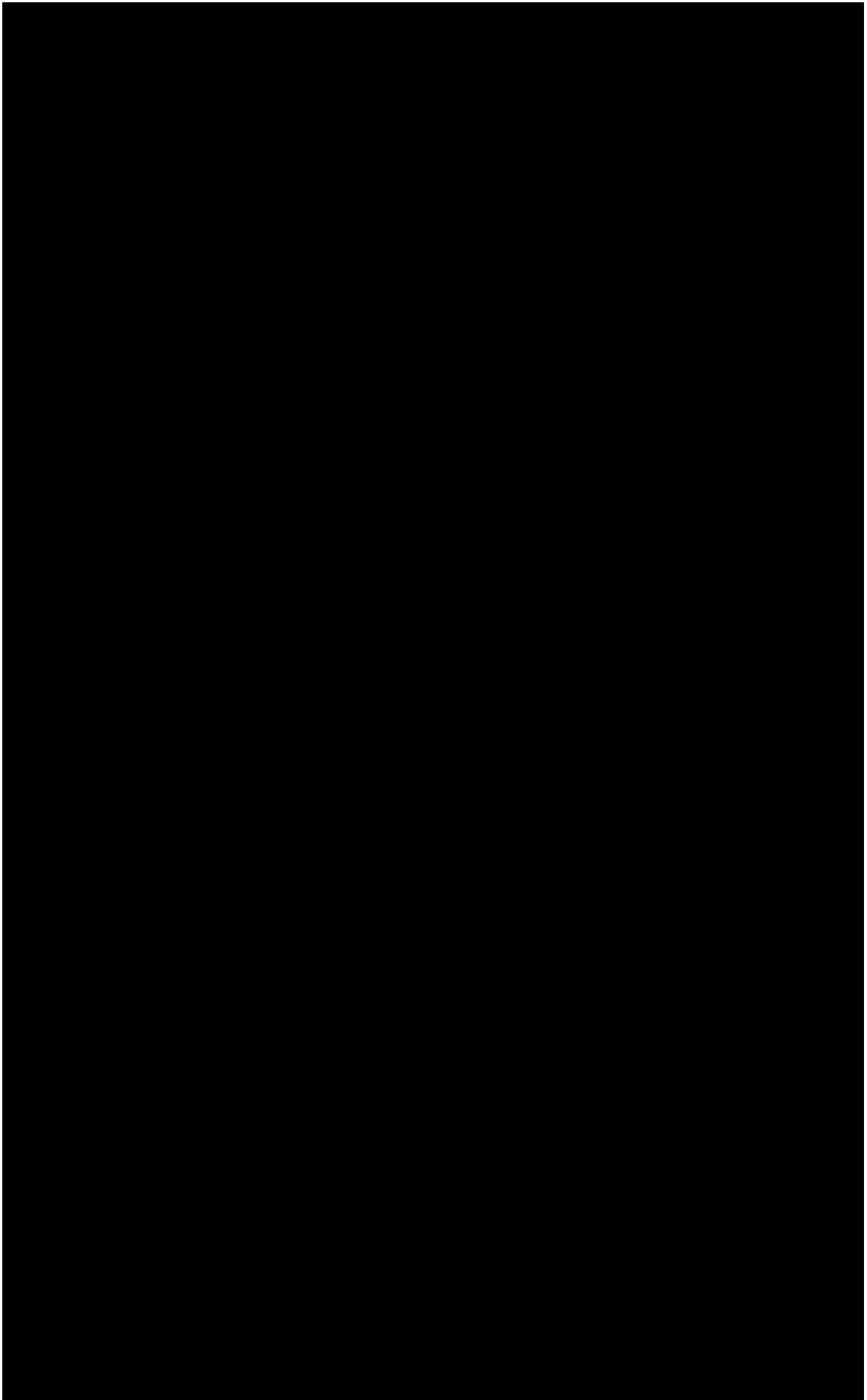
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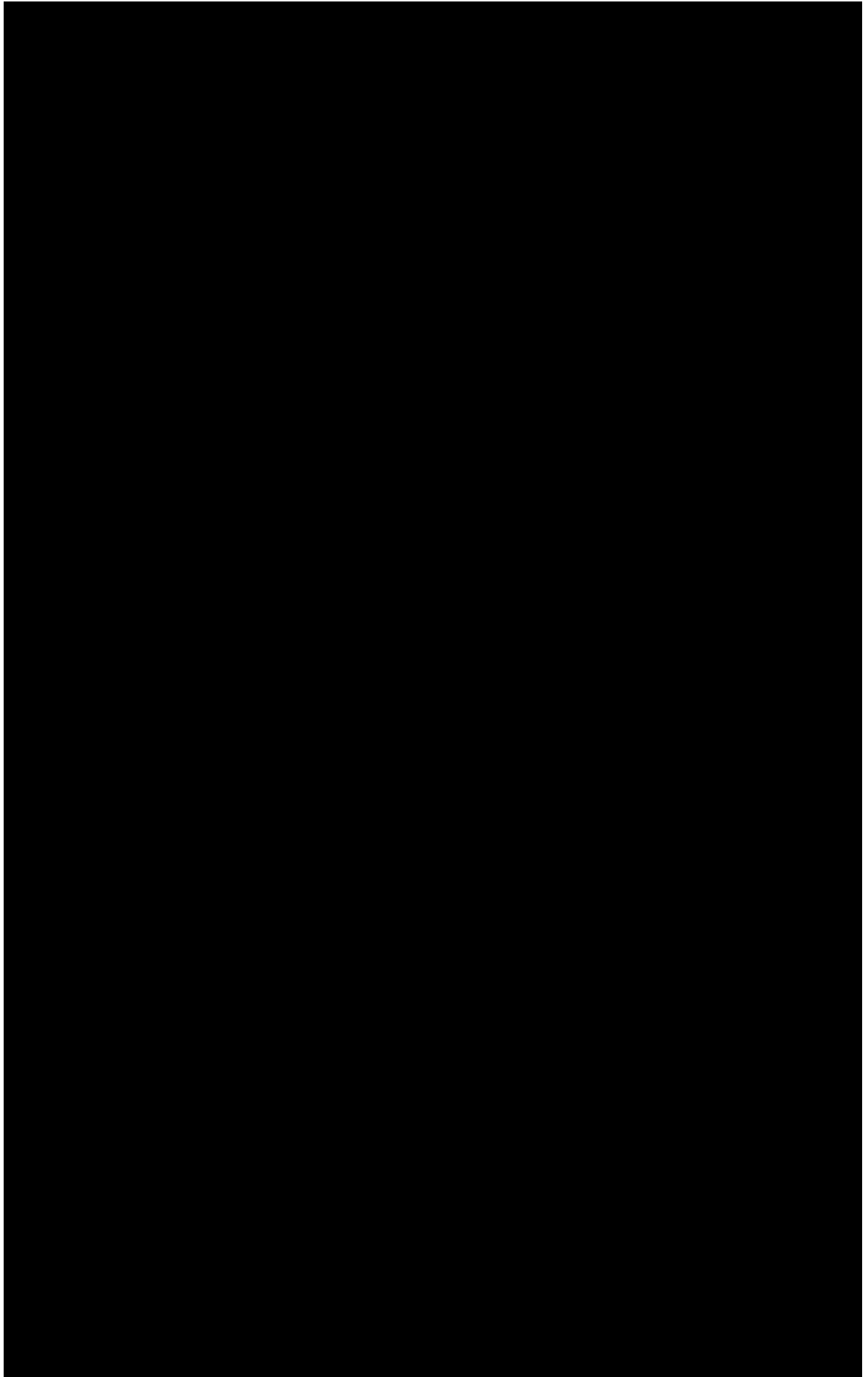
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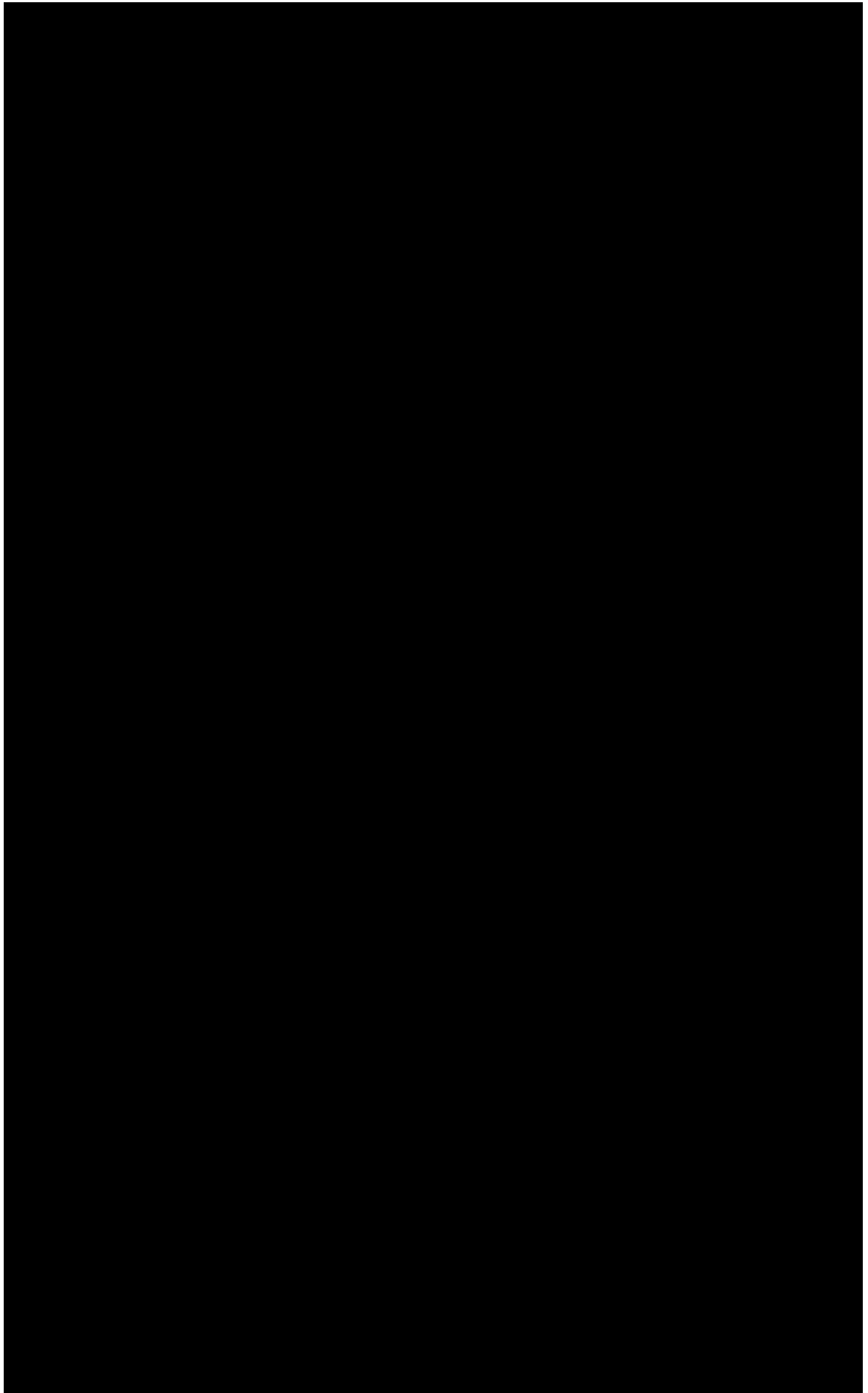
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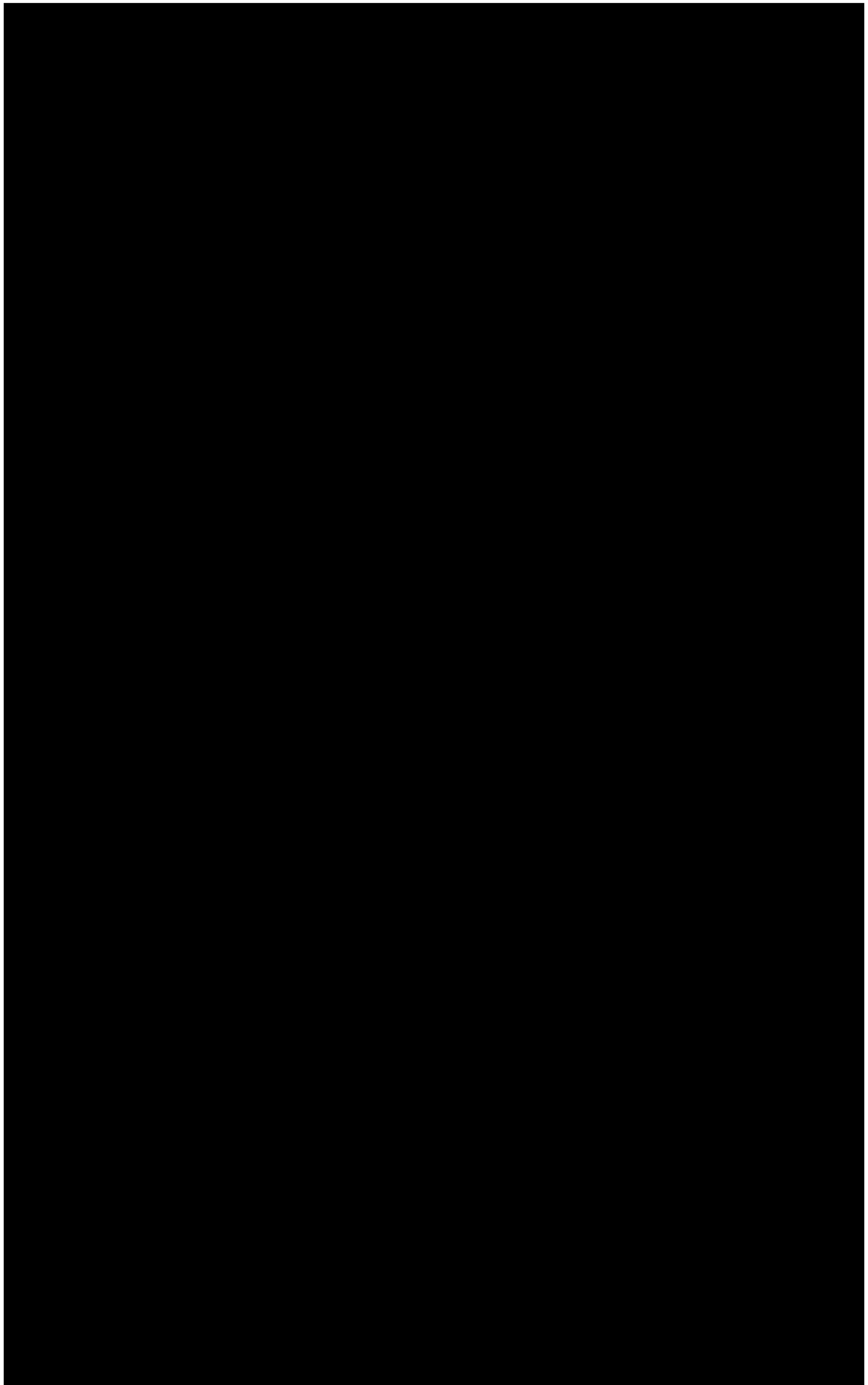
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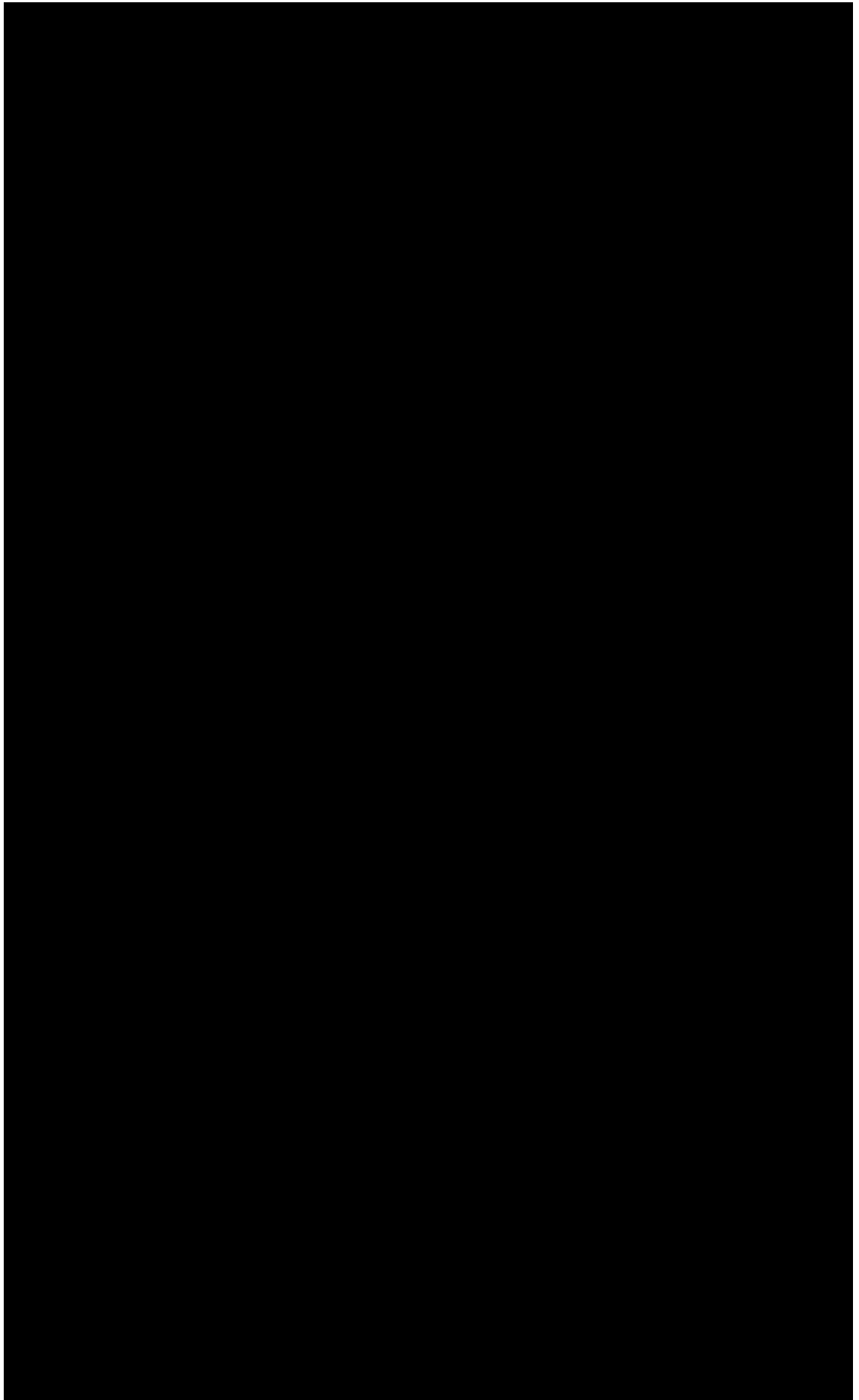
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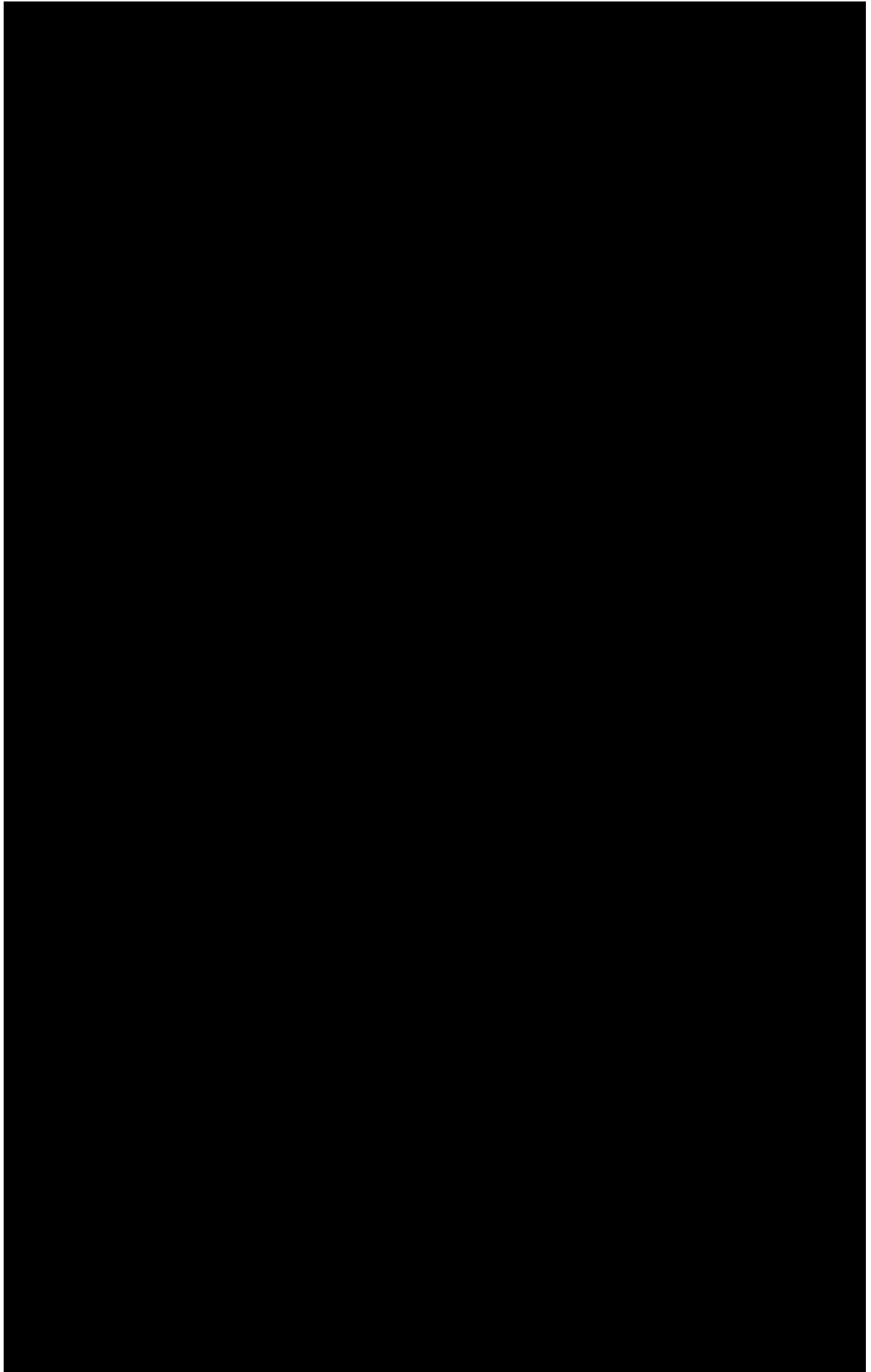
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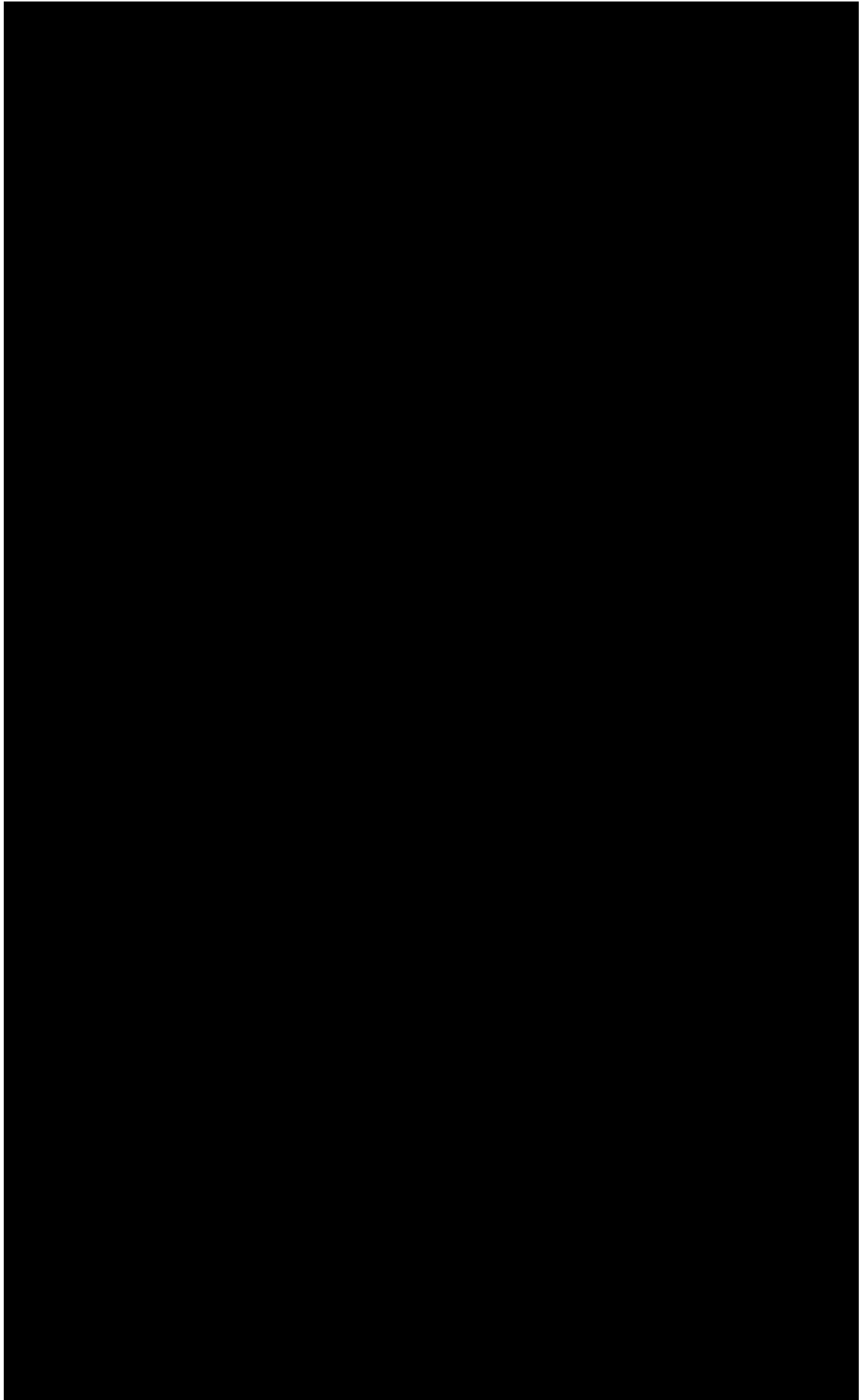
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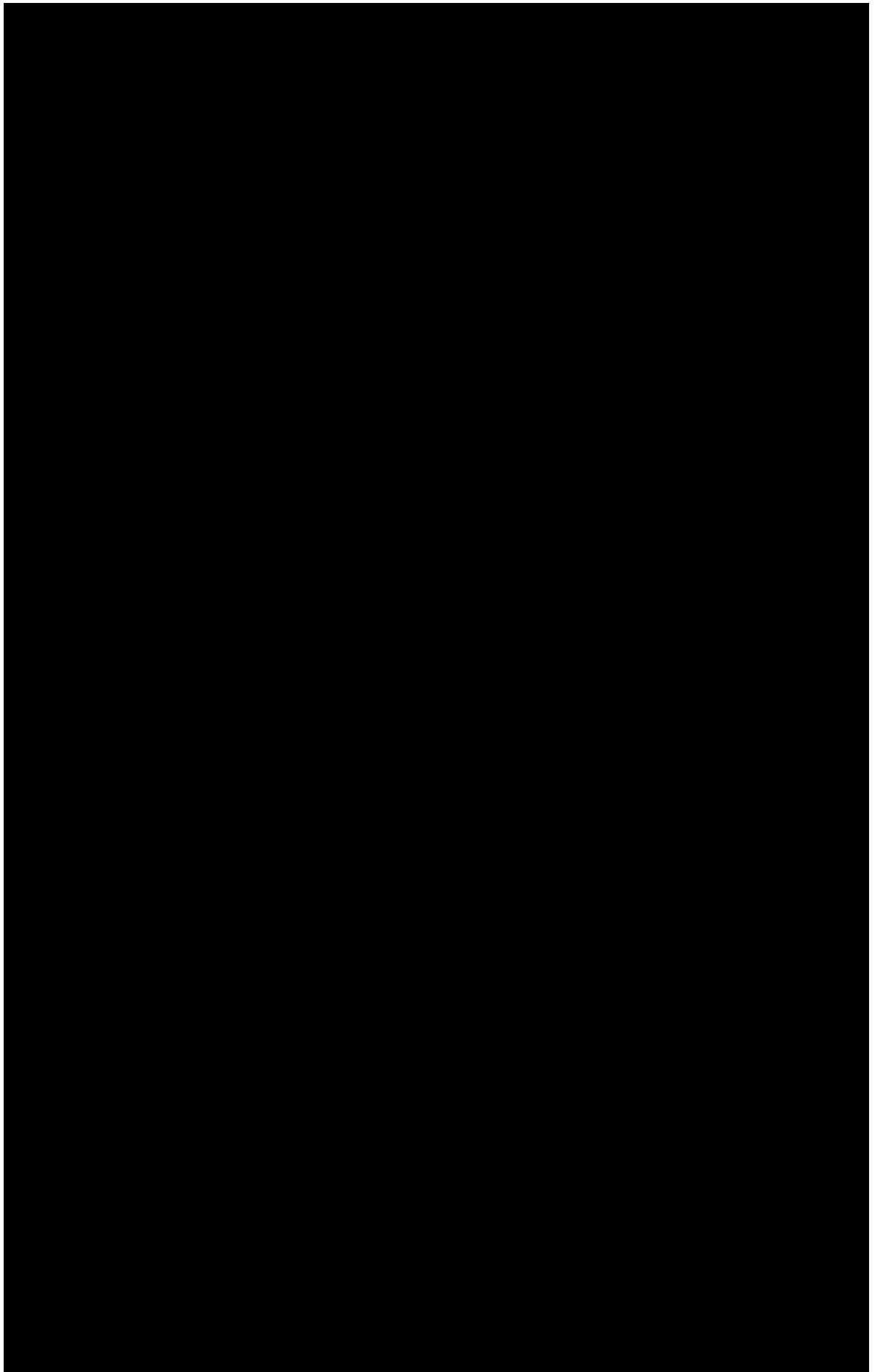
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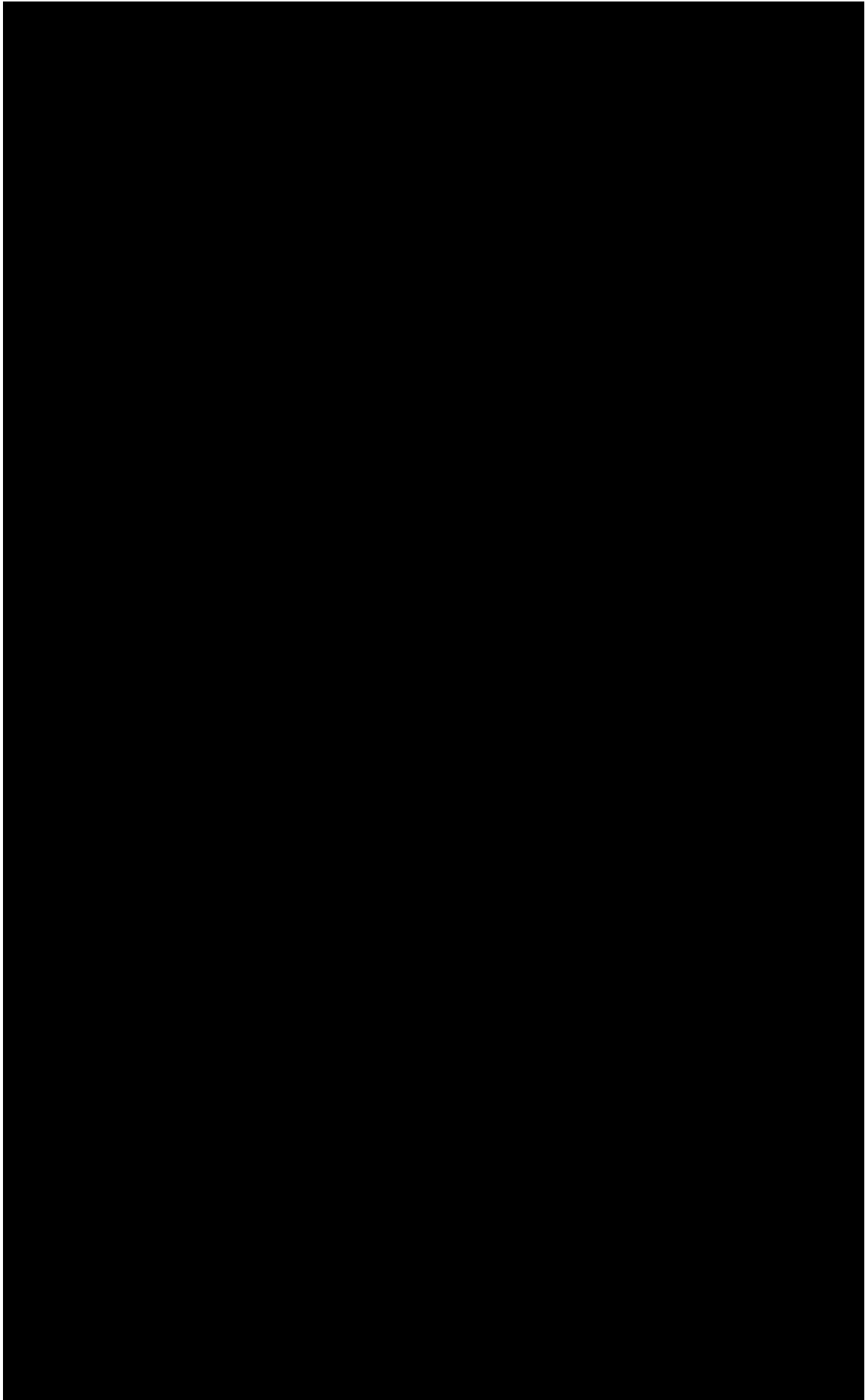
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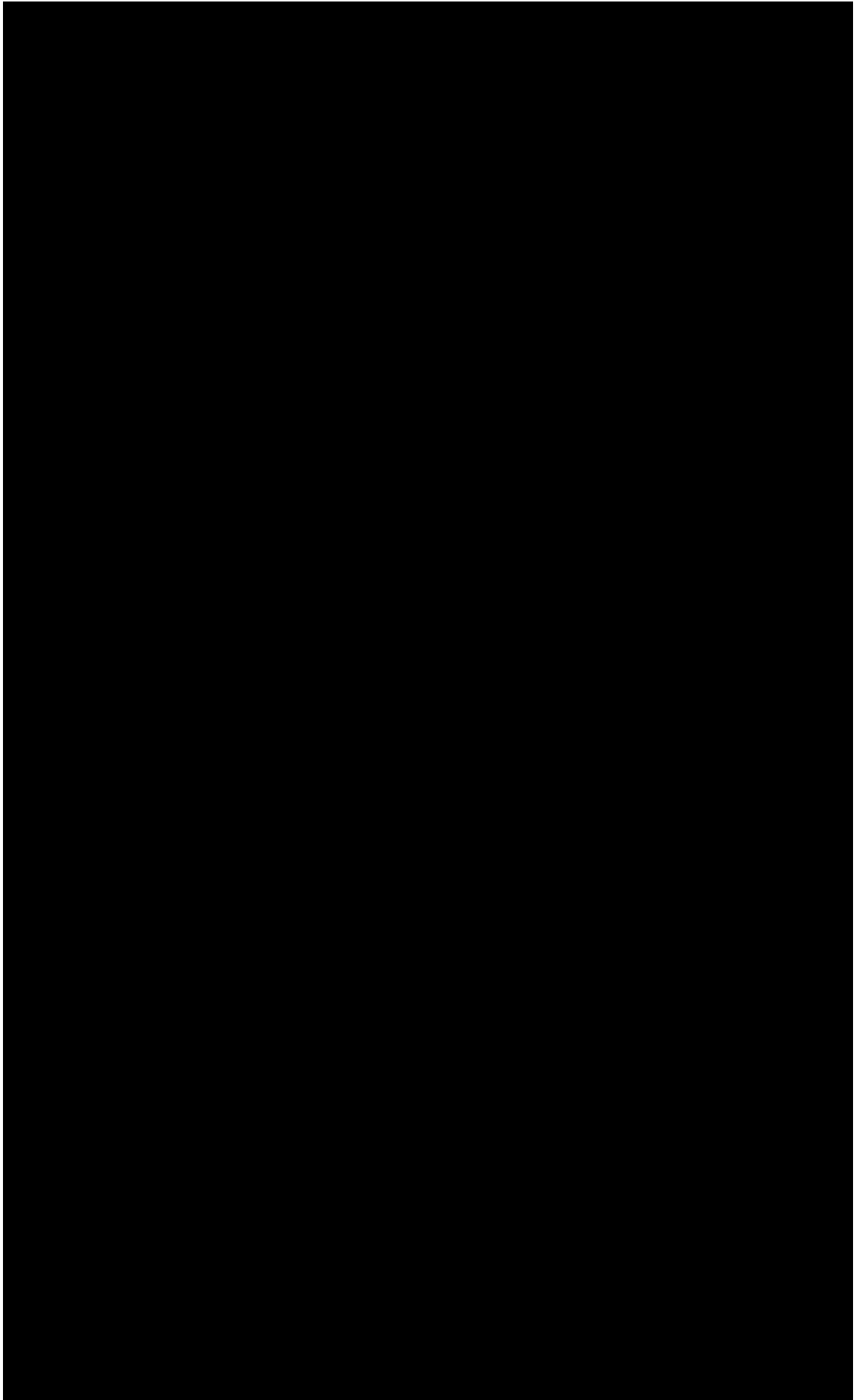
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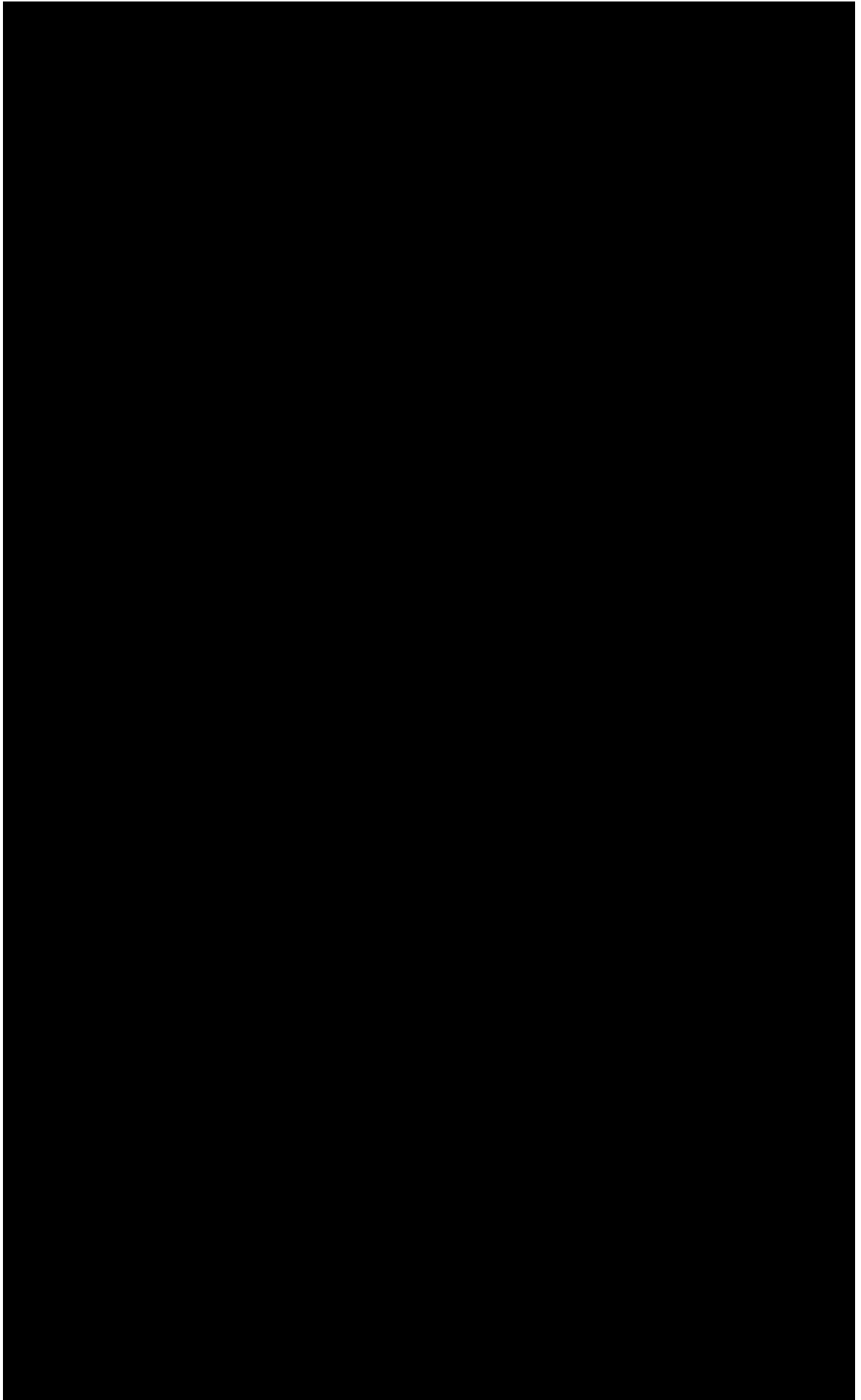
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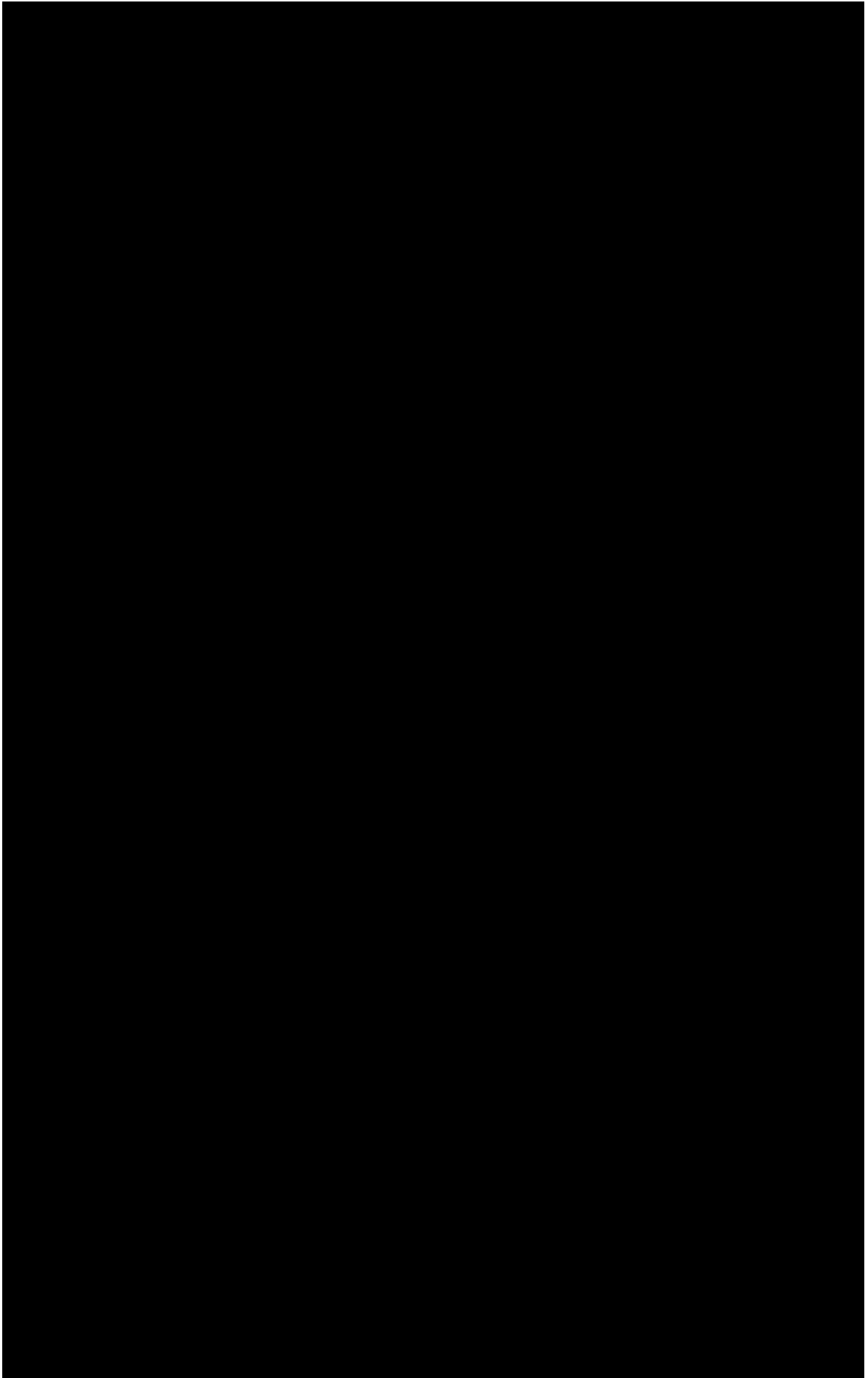
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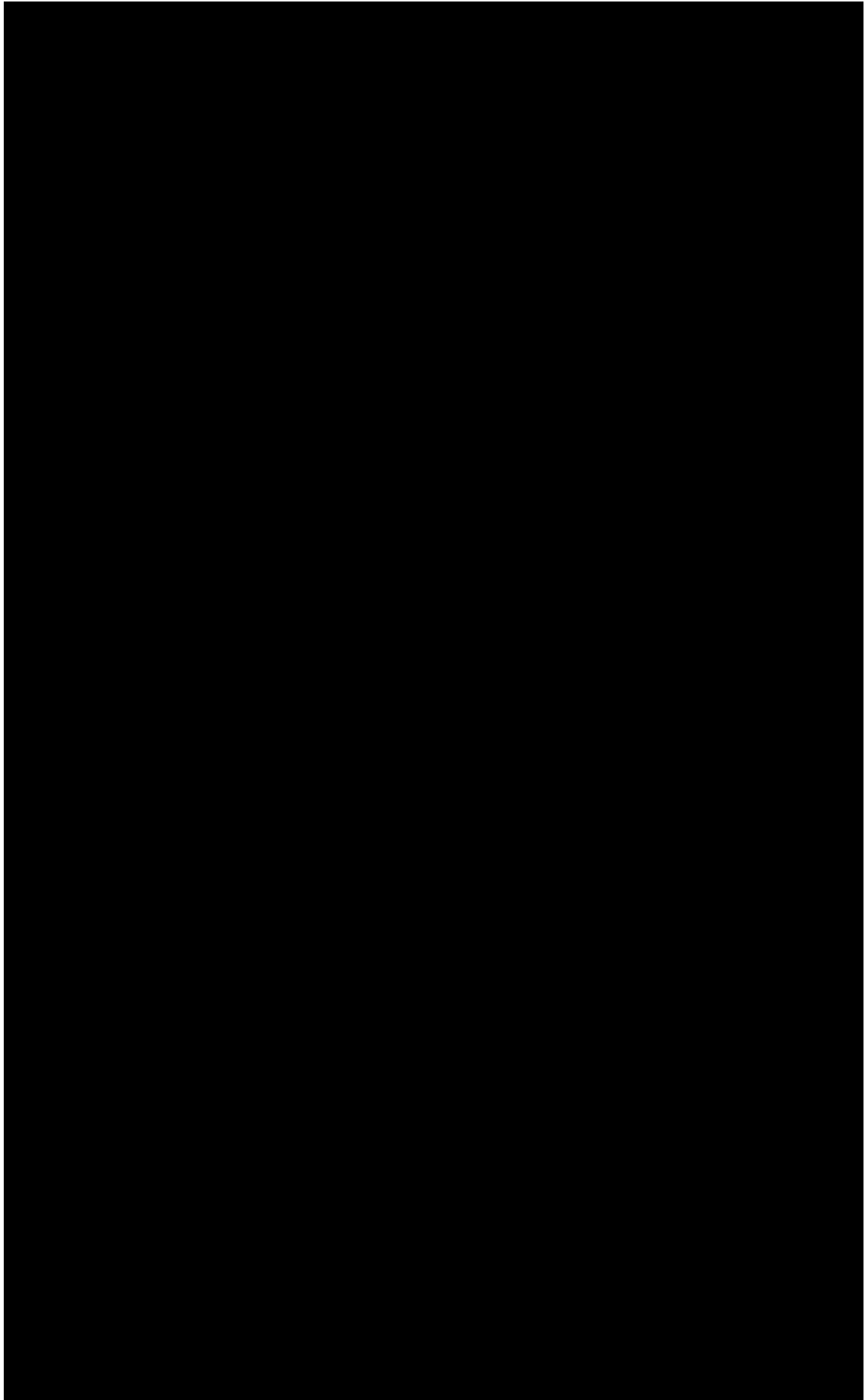
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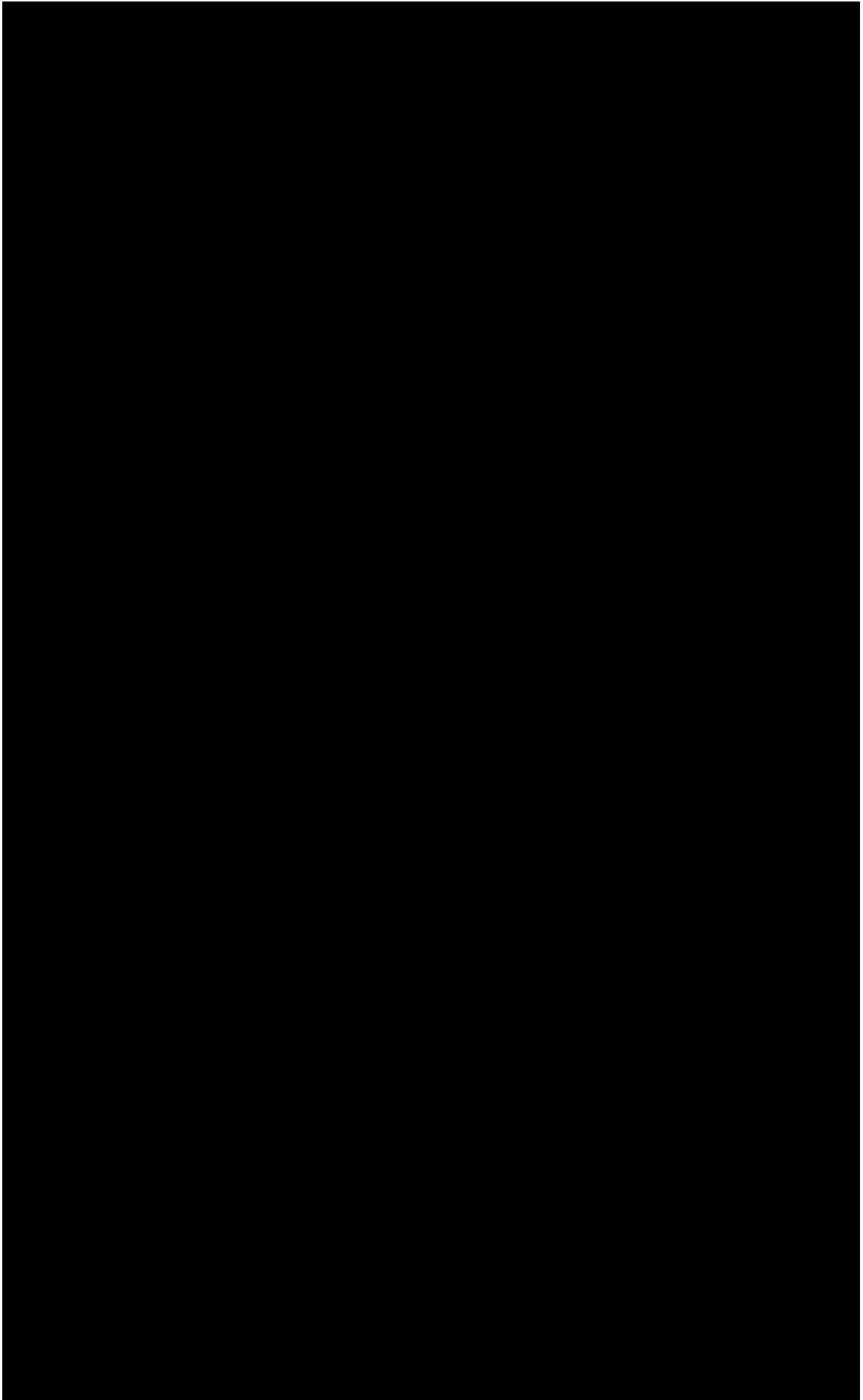
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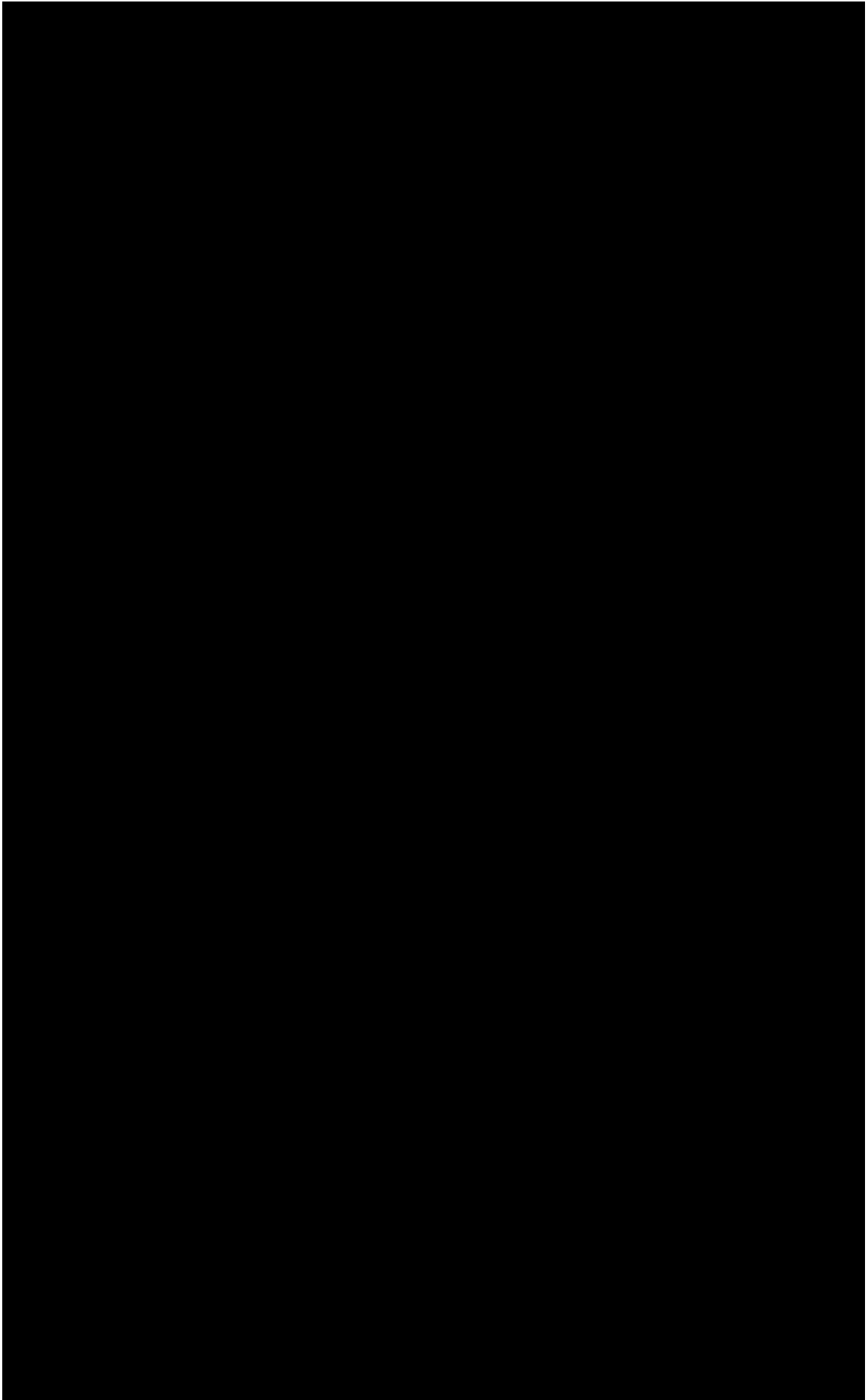
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The question is simply this: The IRR
recap report is a recap of which orders on the IRR
daily report for that month were subjected by the
LP analyst to further due diligence review,
correct?

MS. MILLER: Object to form. Asked and
answered.

THE WITNESS: The report was -- the
information was put on the report that -- of
information that they -- they would do reviews for
and put -- placed on that report, sir. That's
what I -- I know happened.

BY MR. BAKER:

Q Do you know why something appears on
this report?

MS. MILLER: Object to form.

THE WITNESS: They were doing reviews on

1 those -- on that information, sir.

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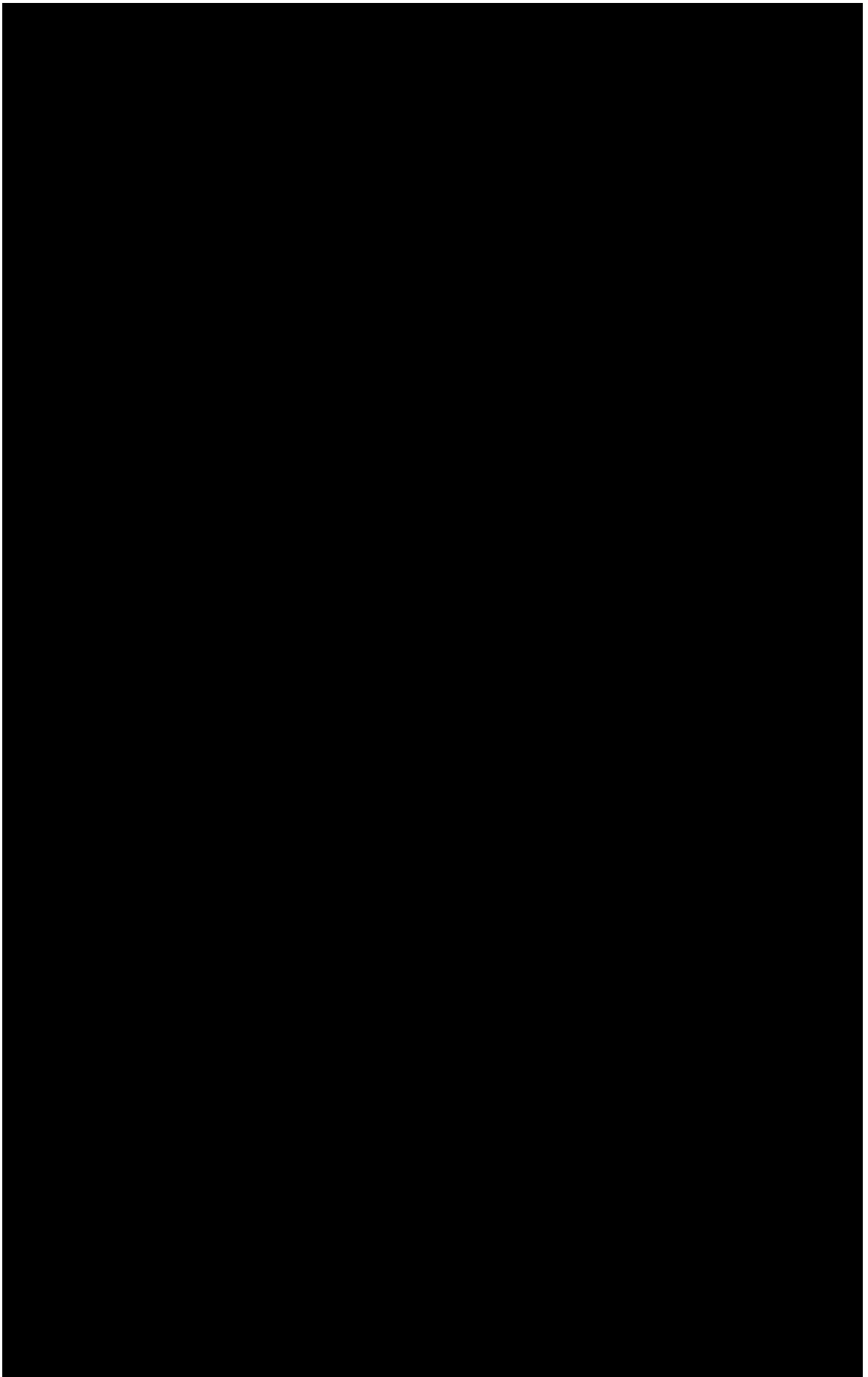
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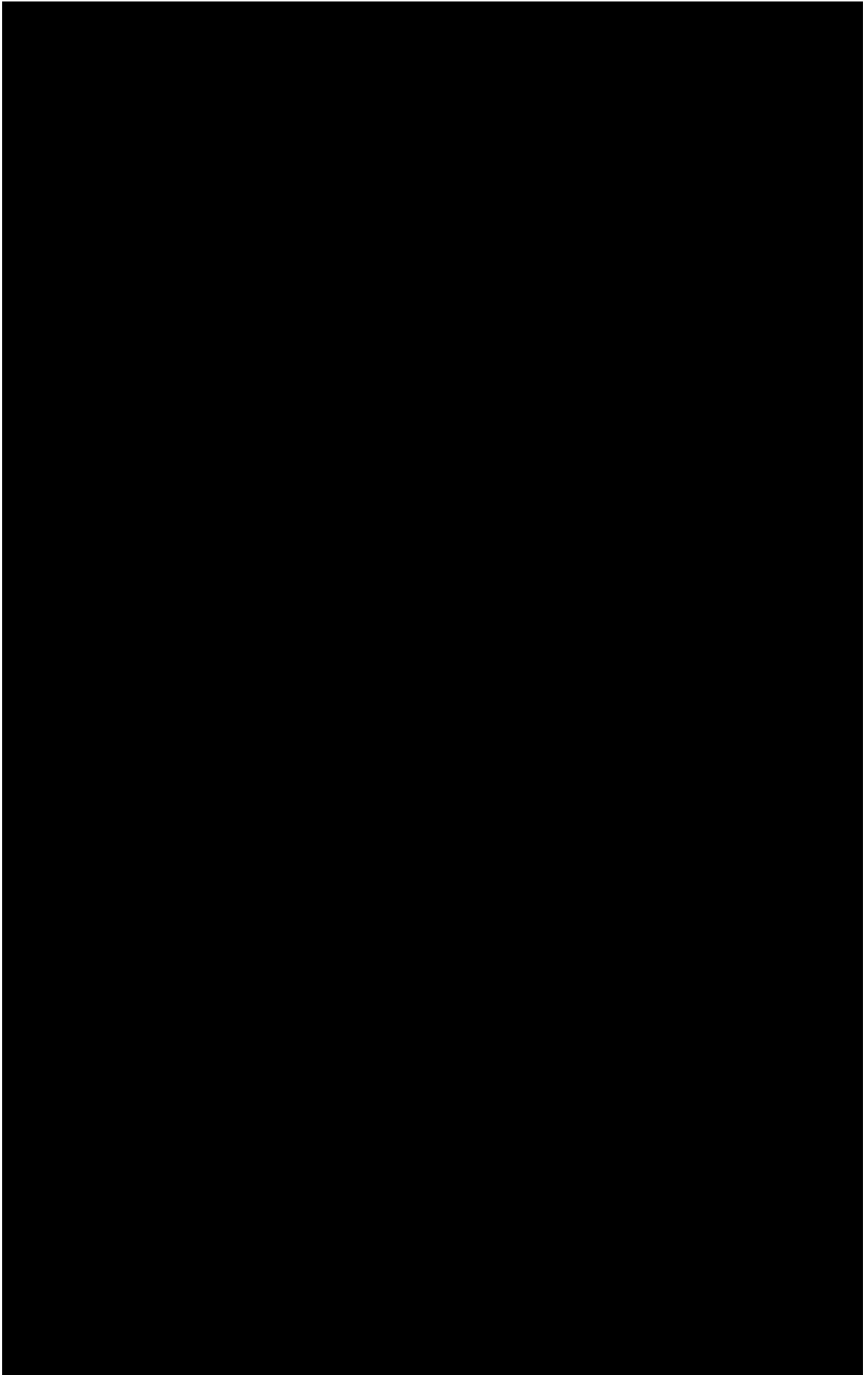
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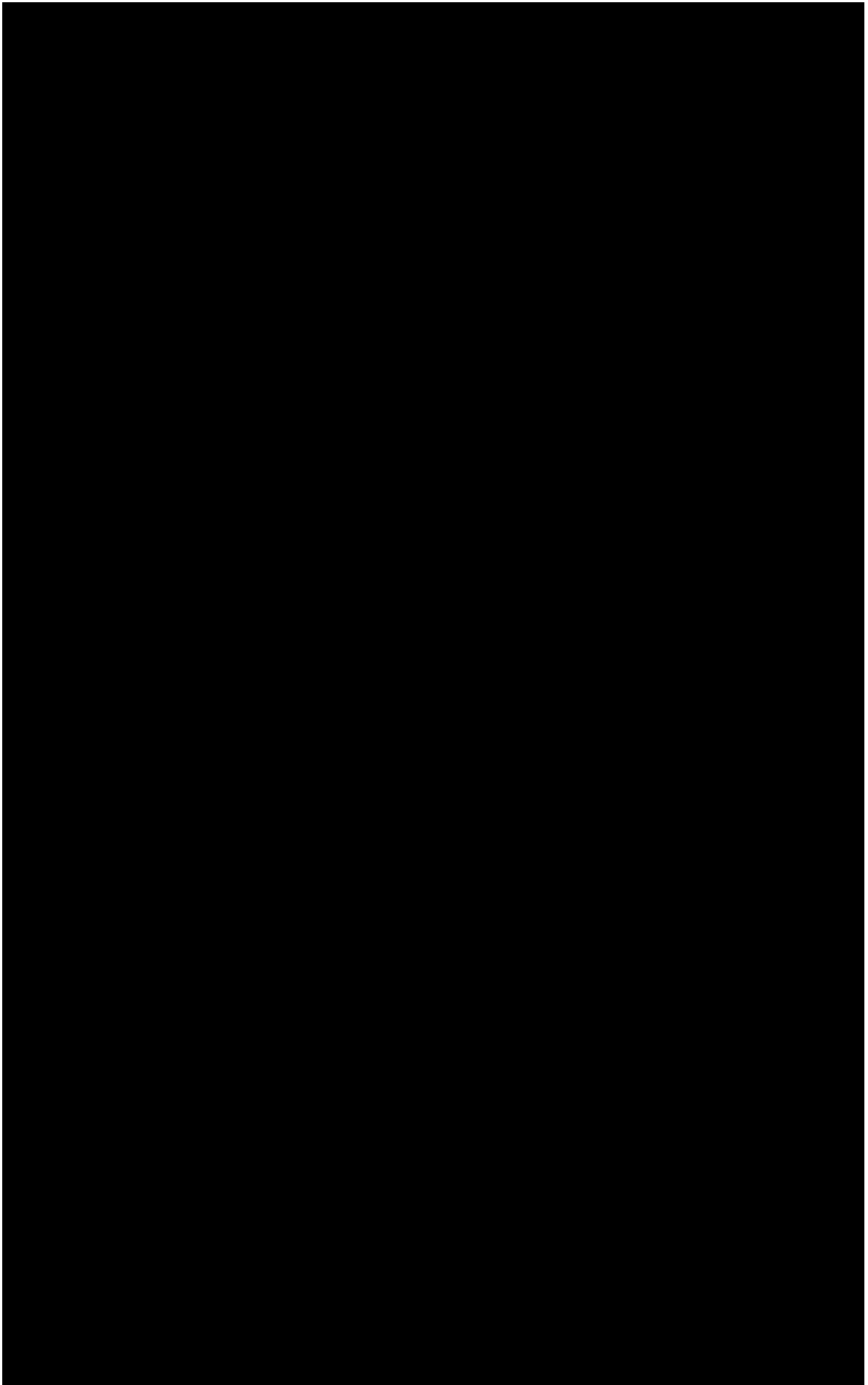
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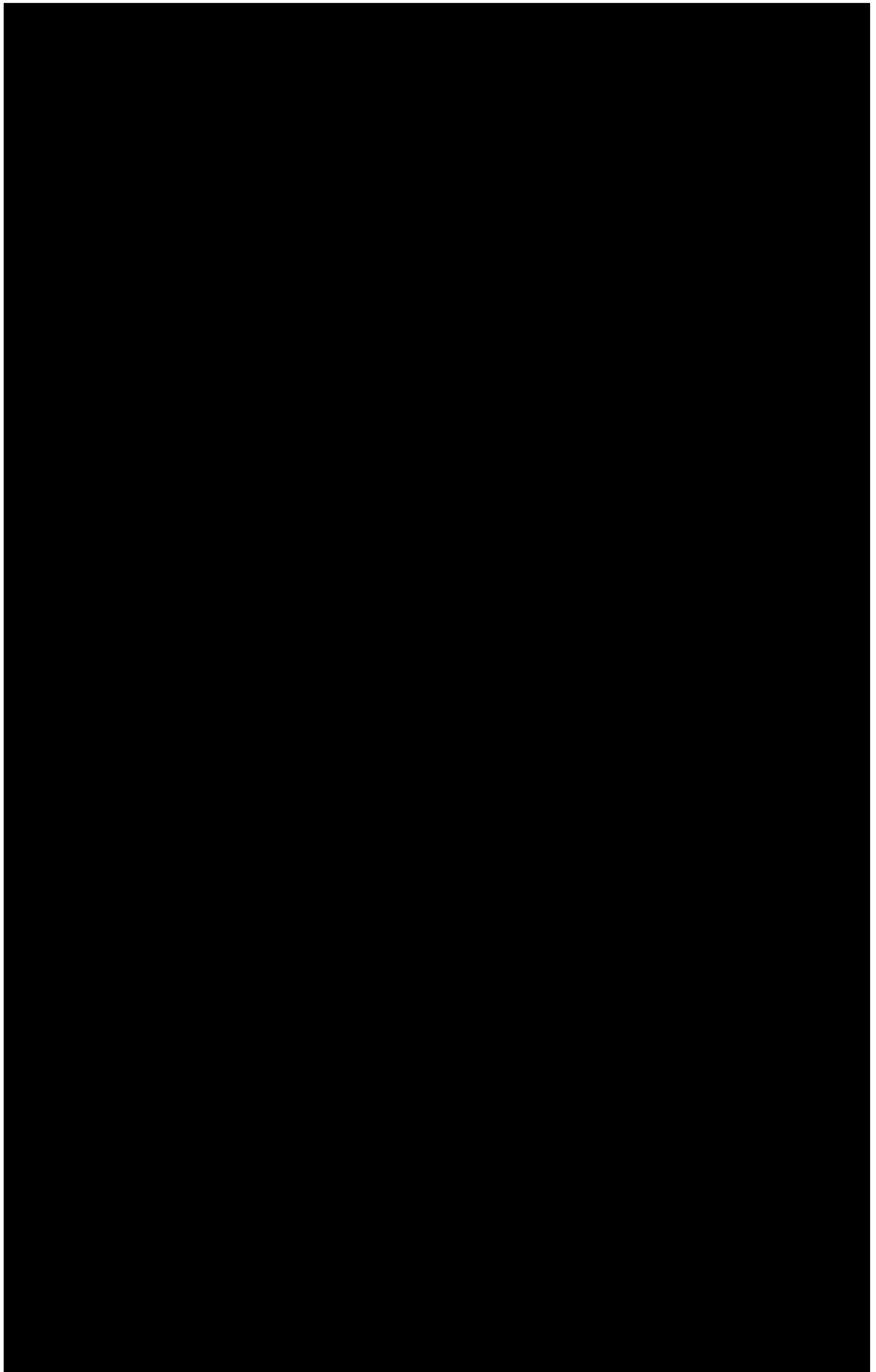
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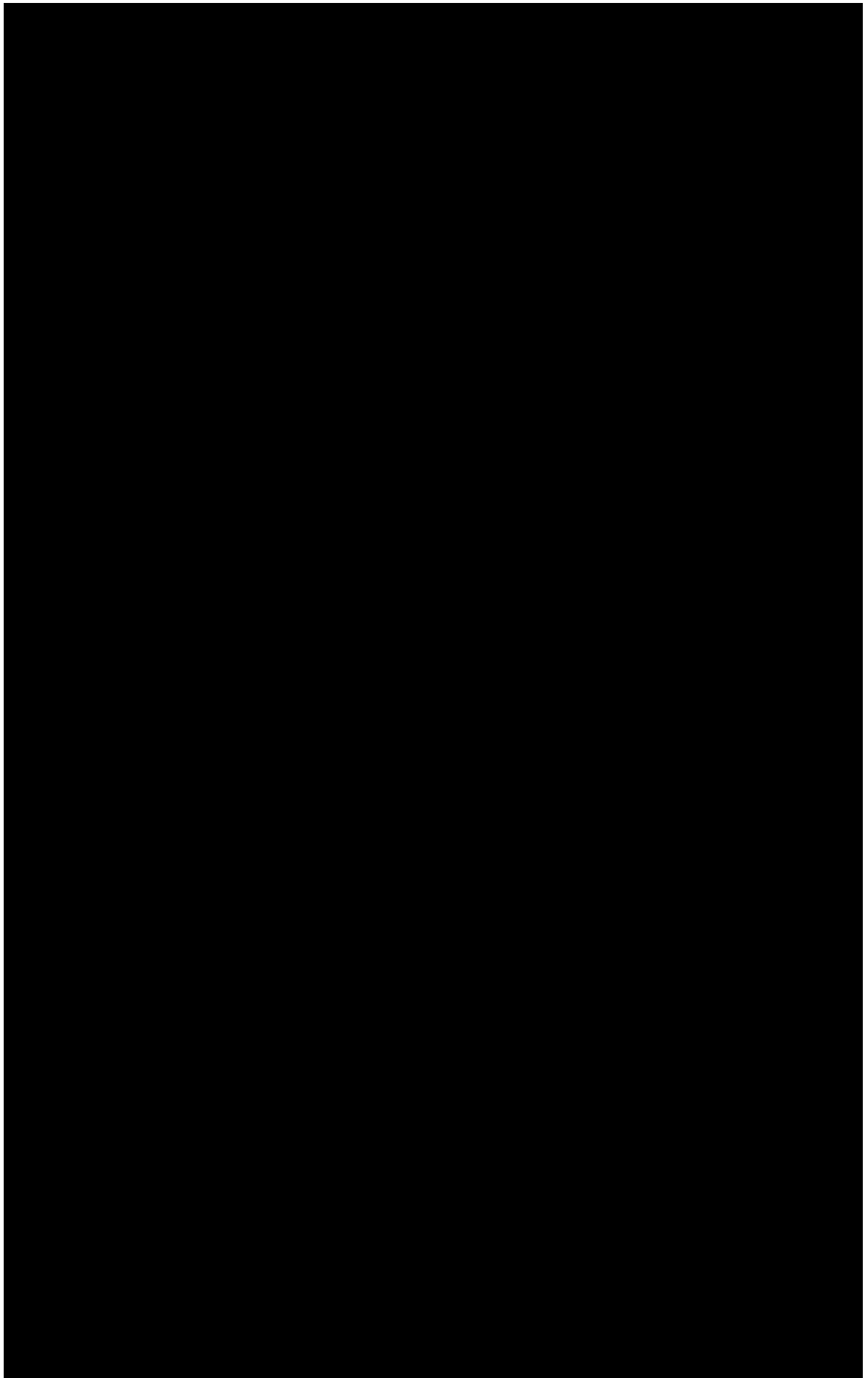
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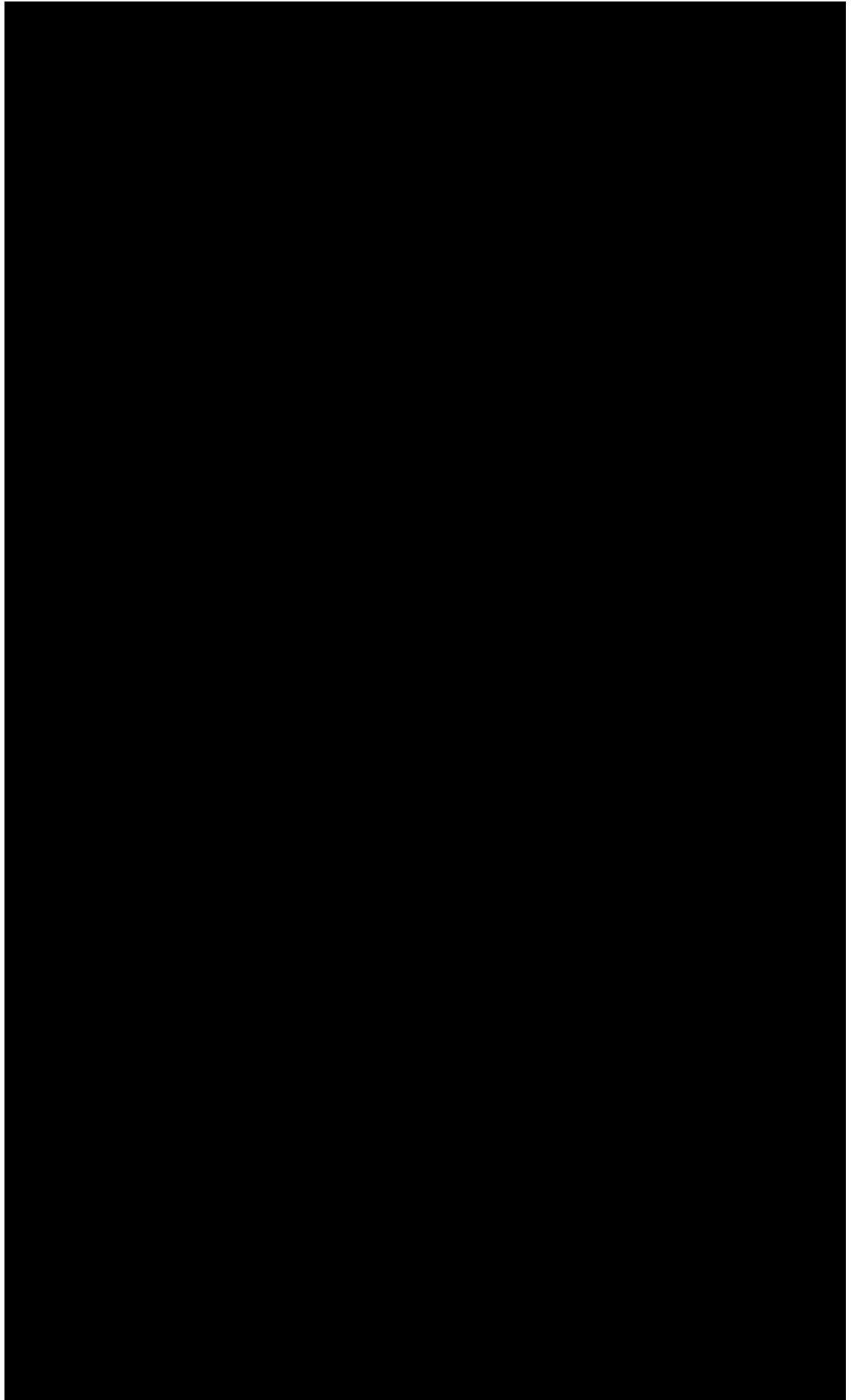
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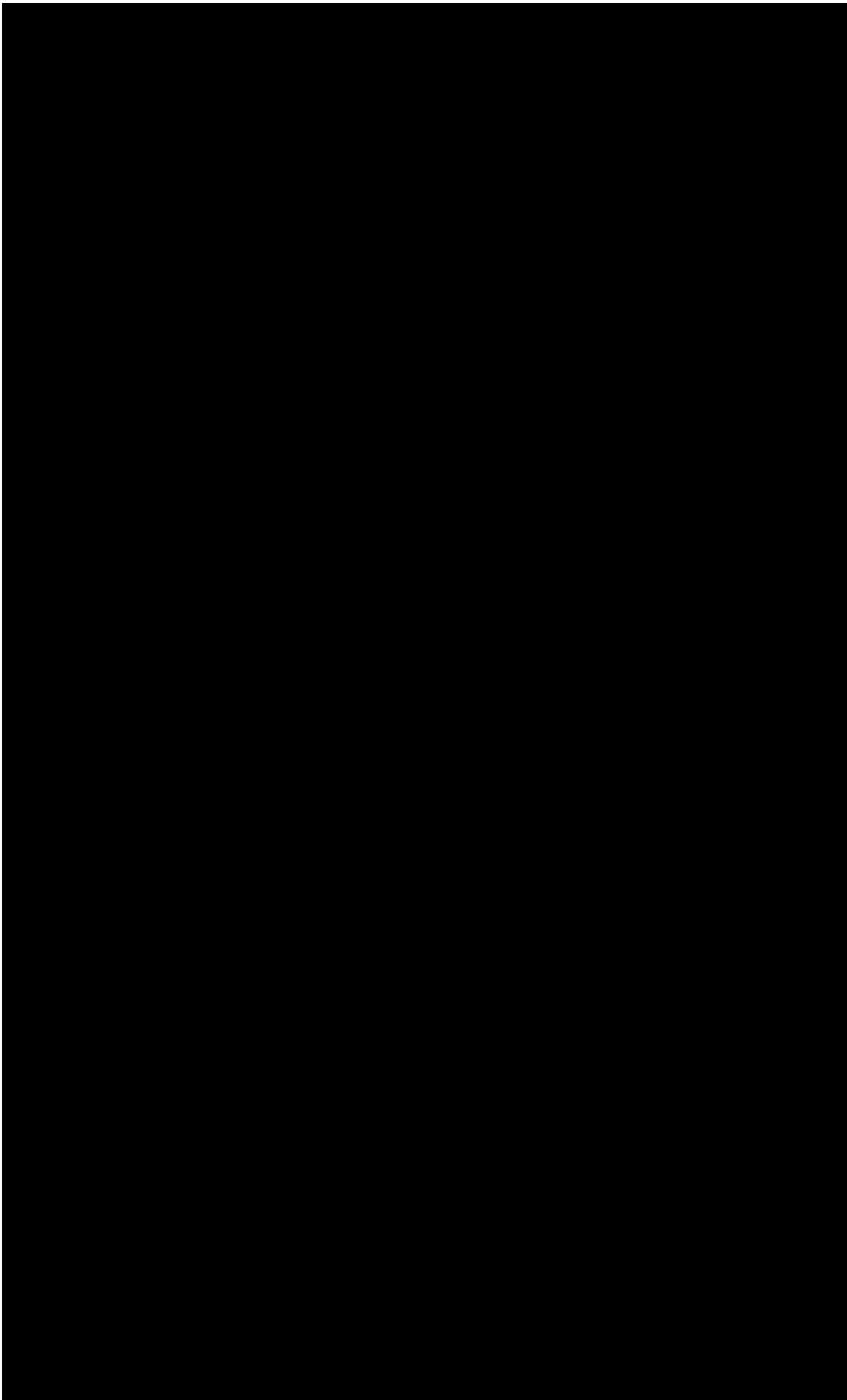
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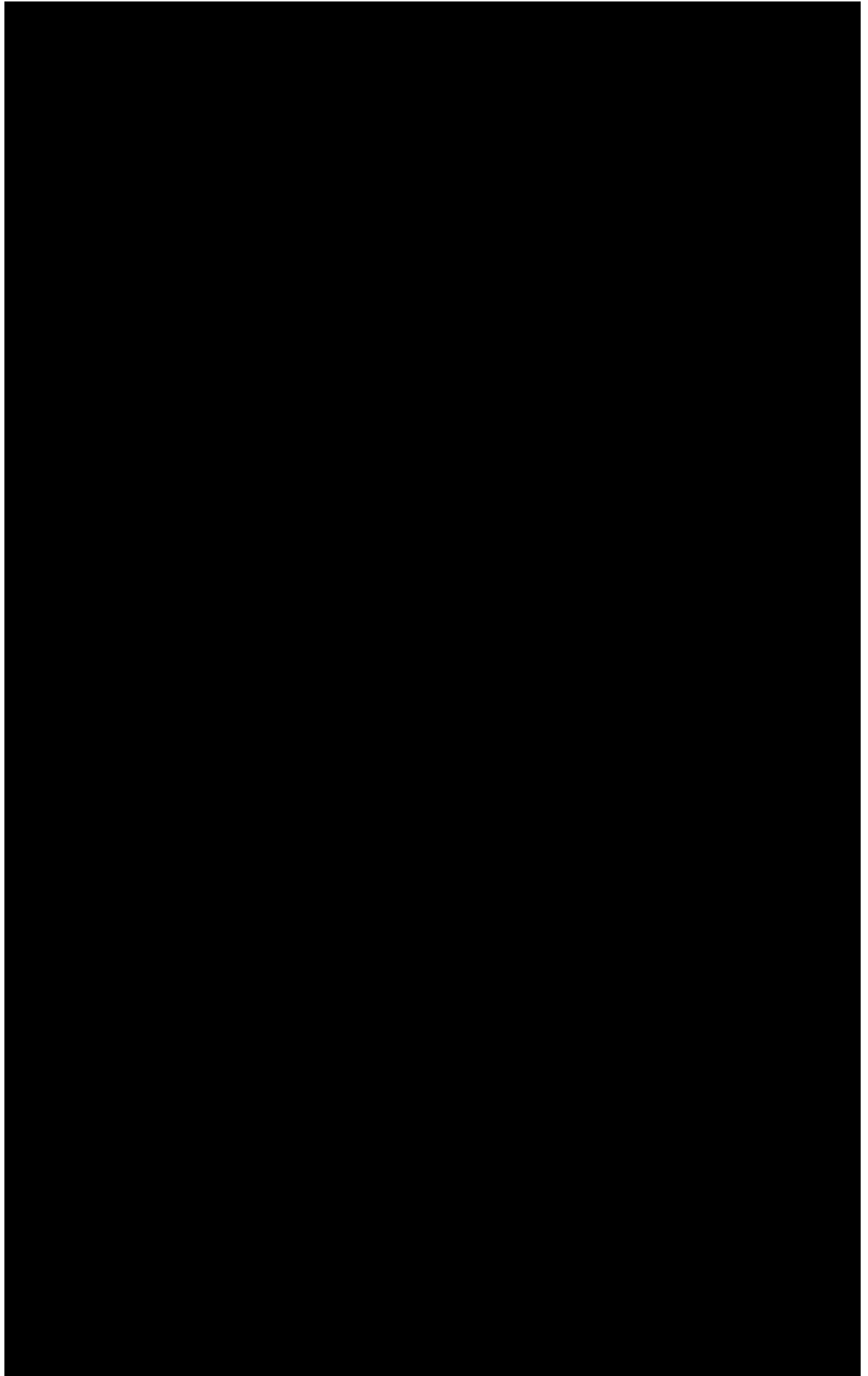
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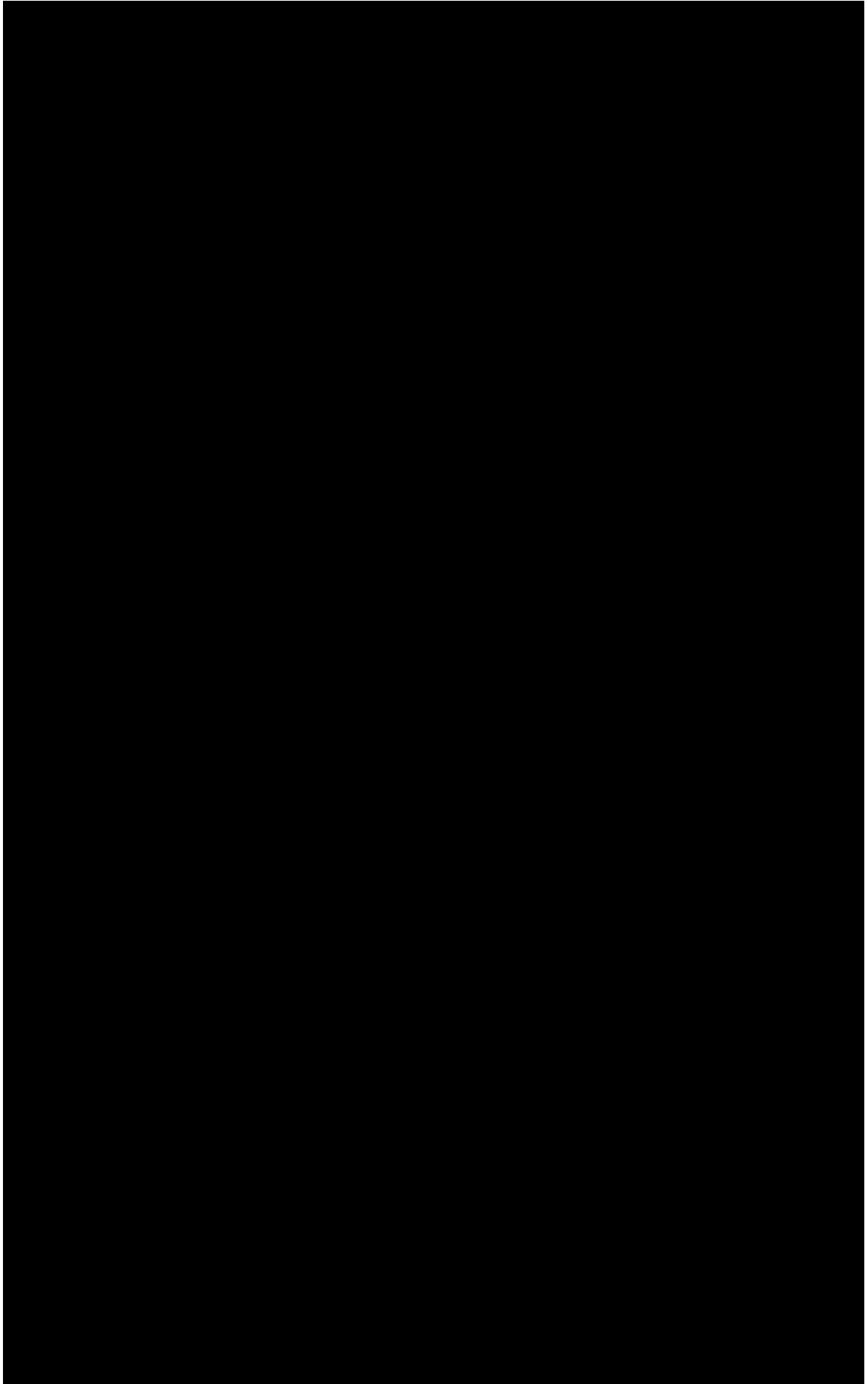
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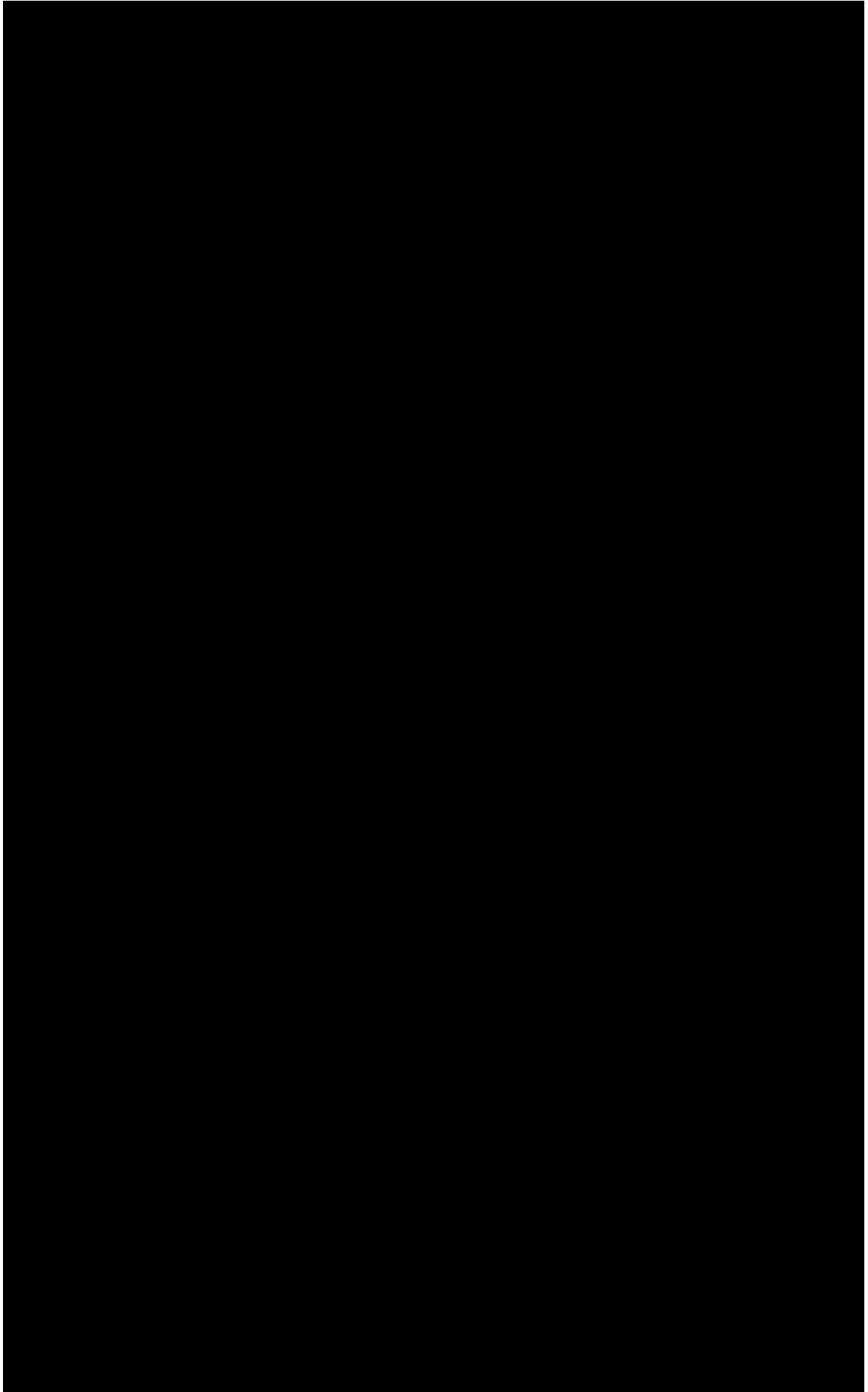
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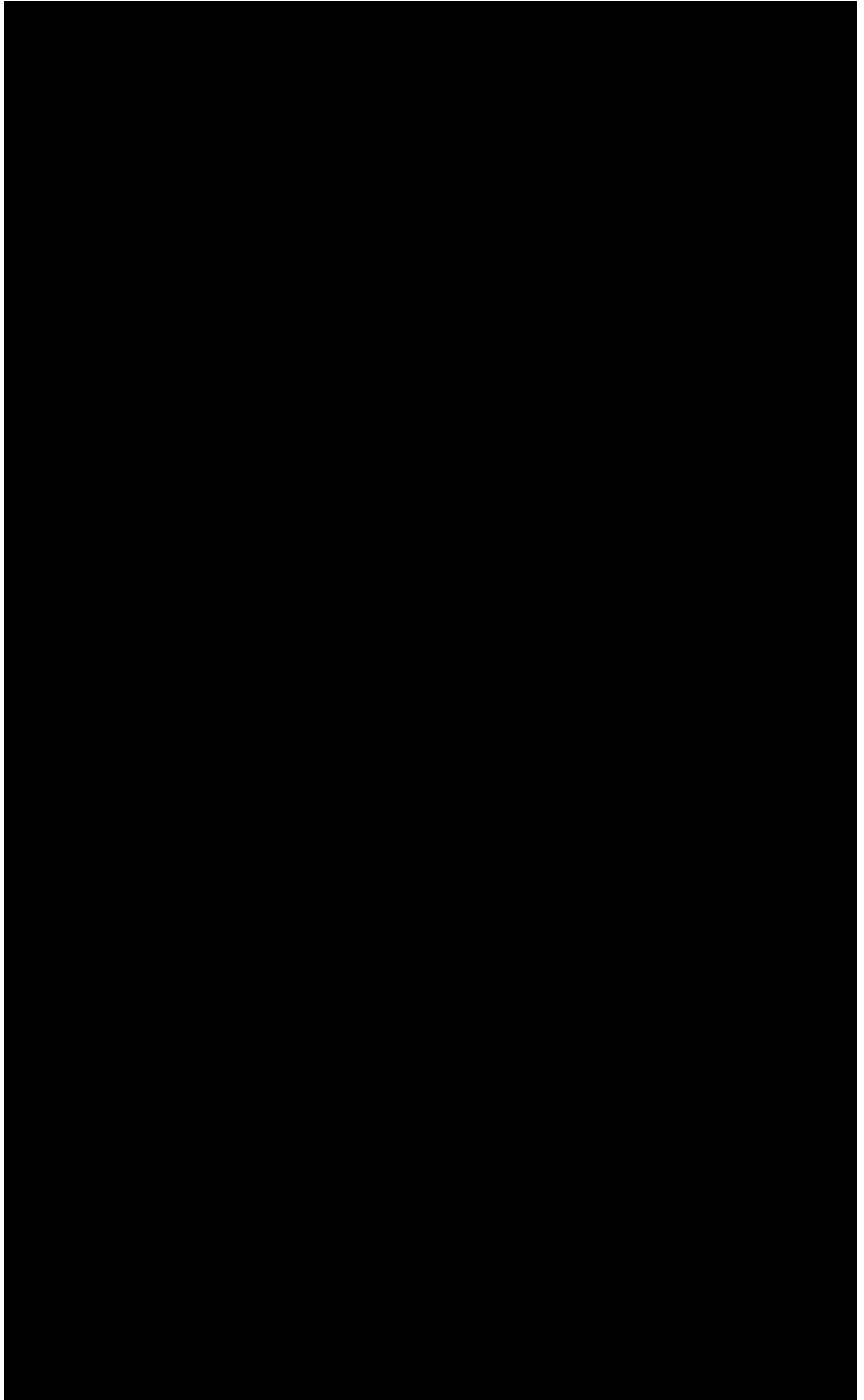
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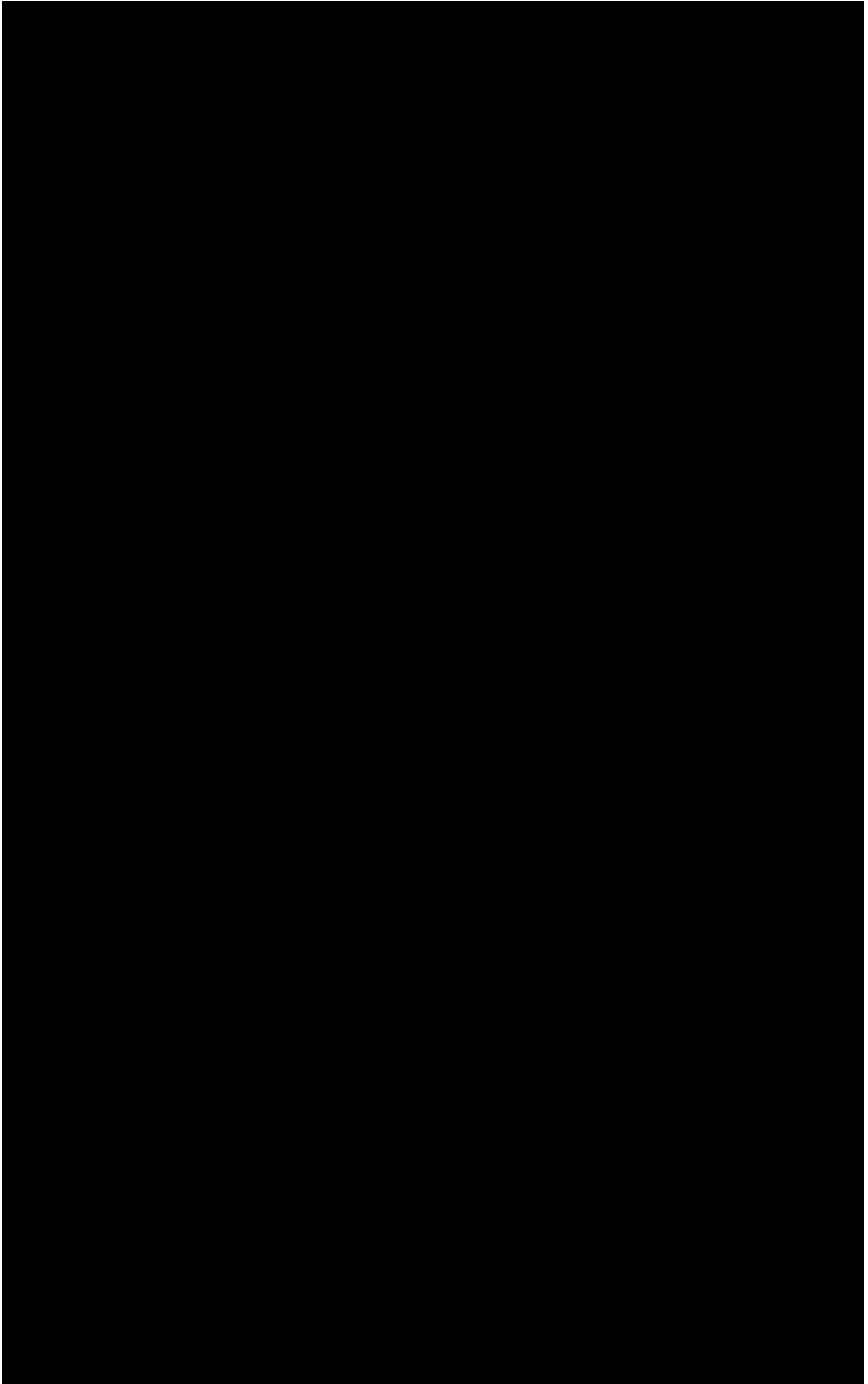
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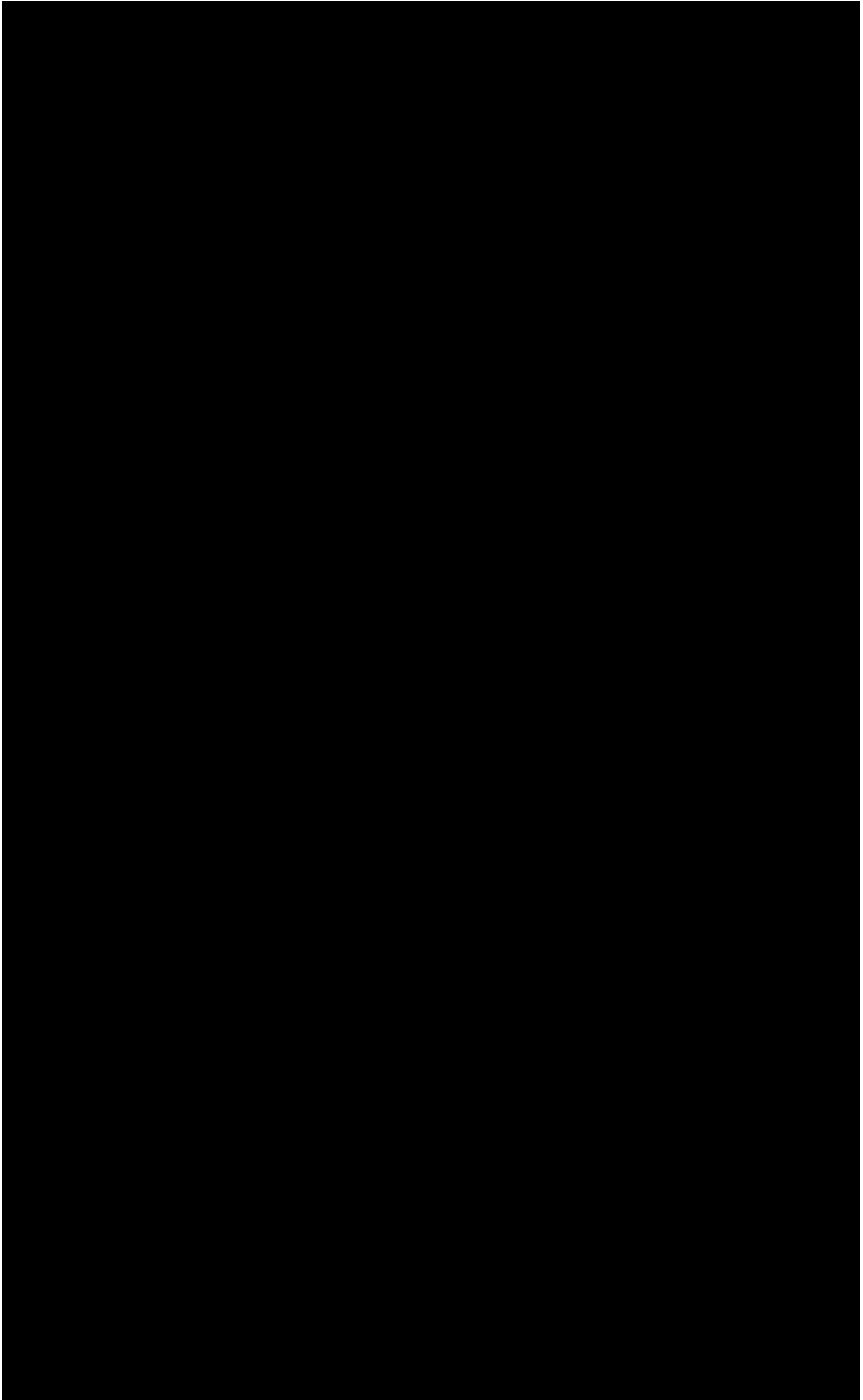
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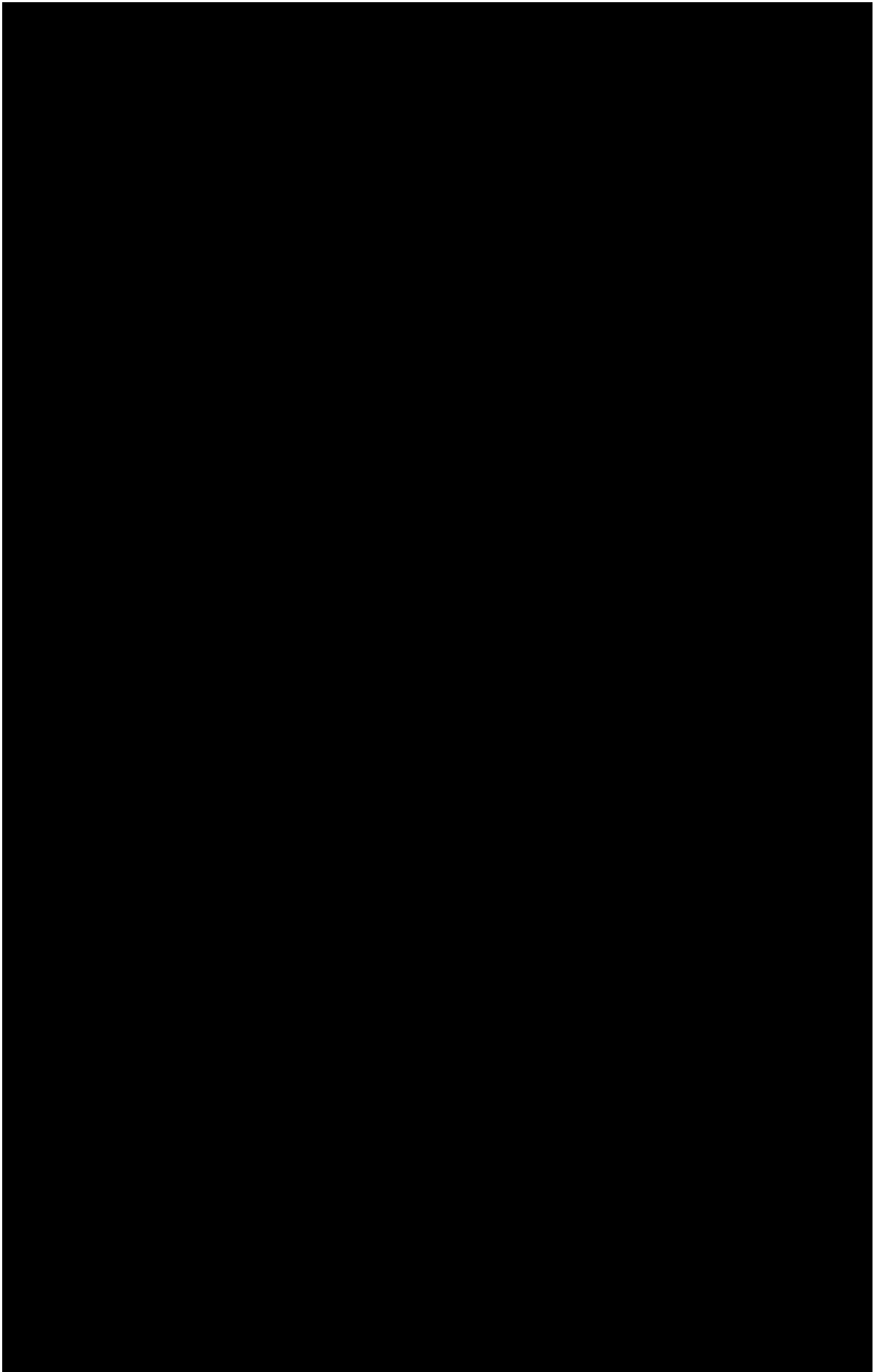
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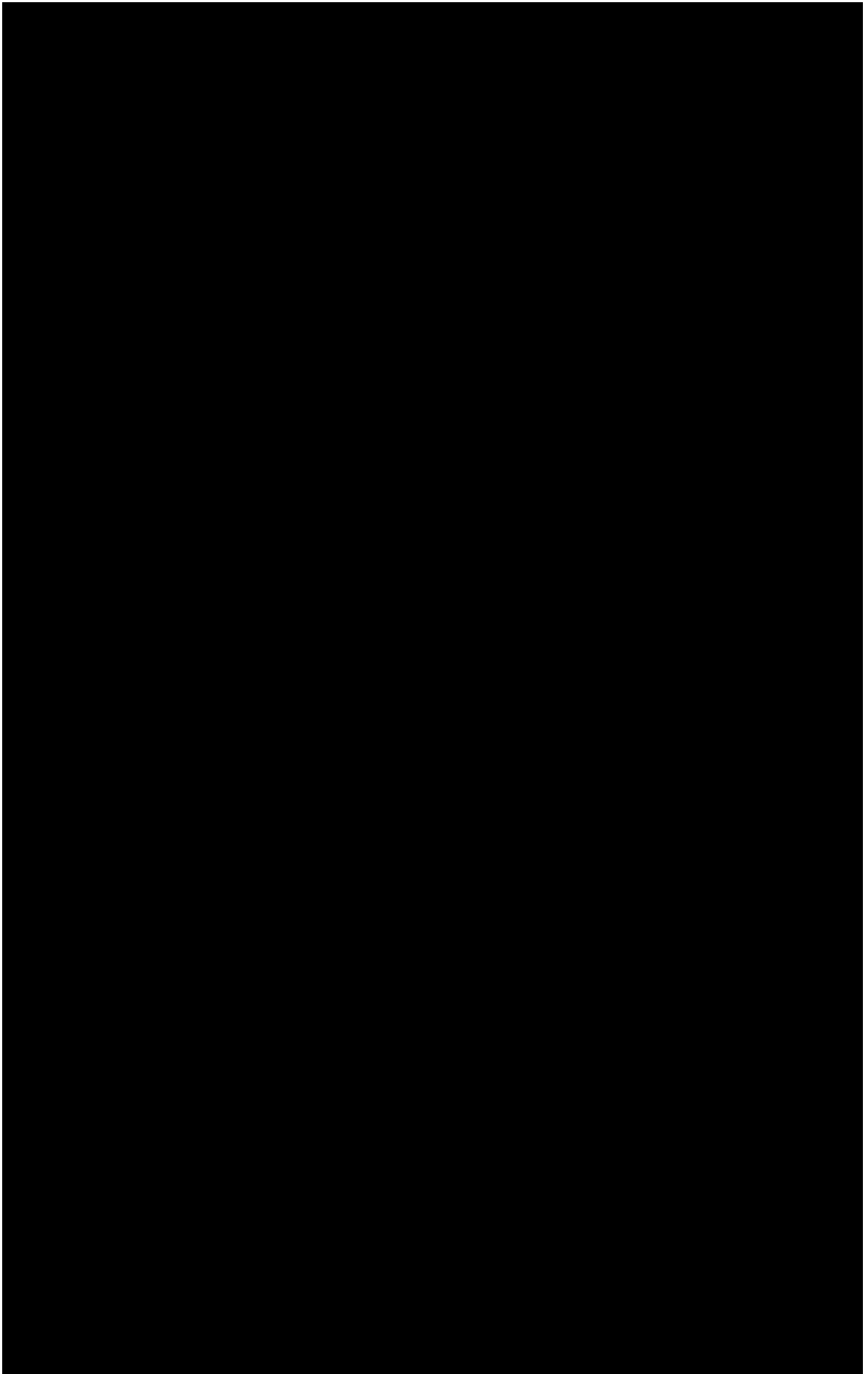
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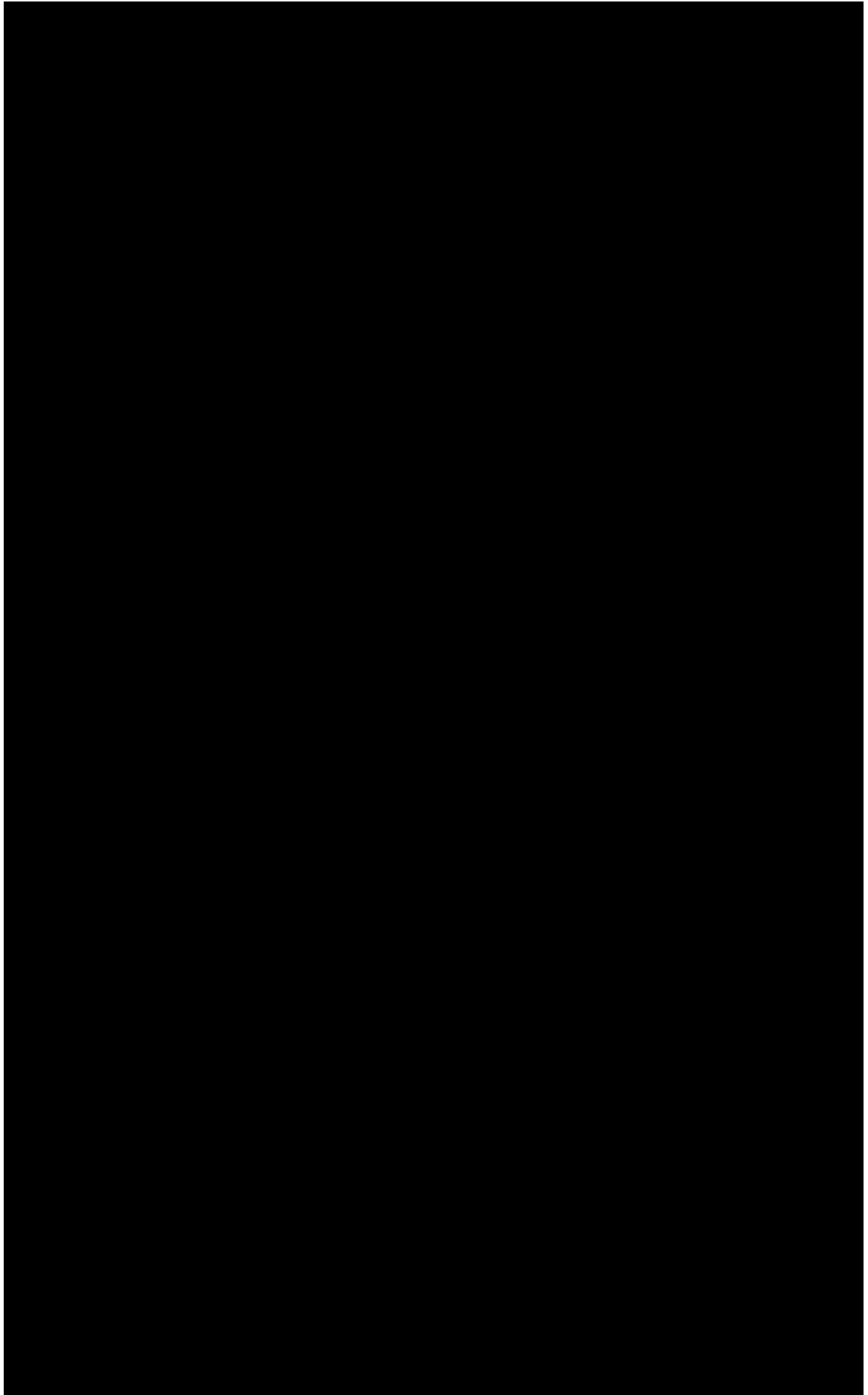
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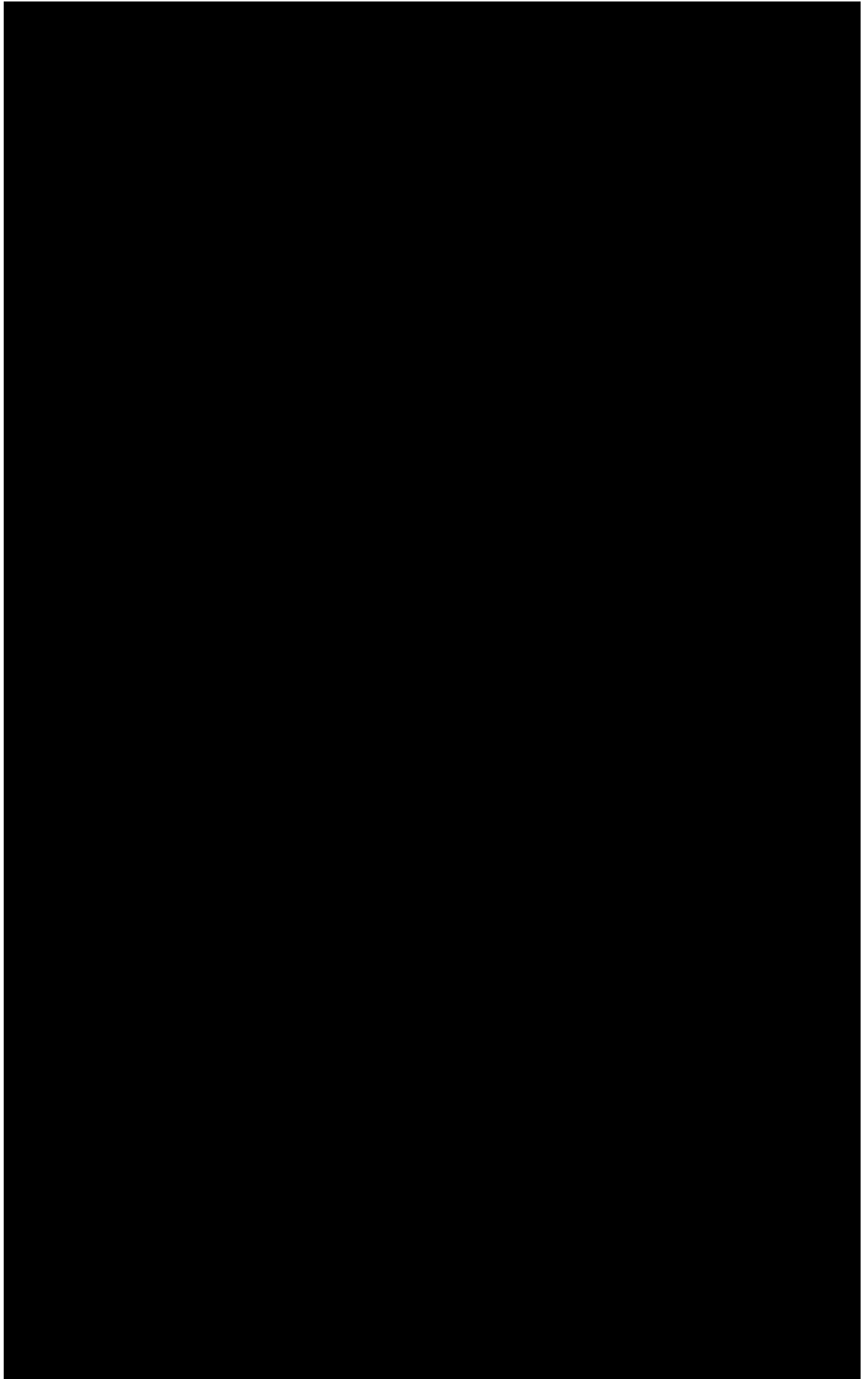
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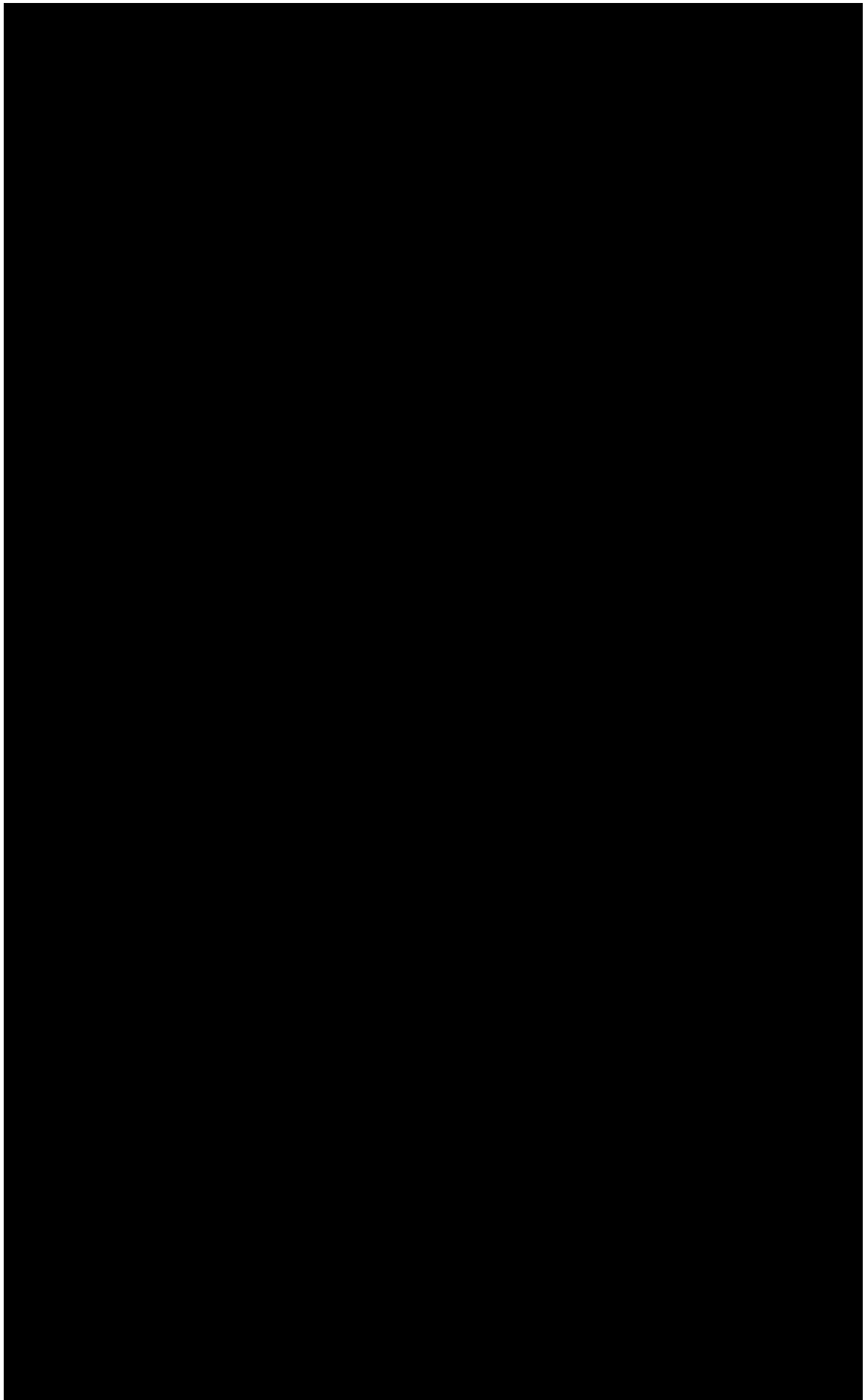
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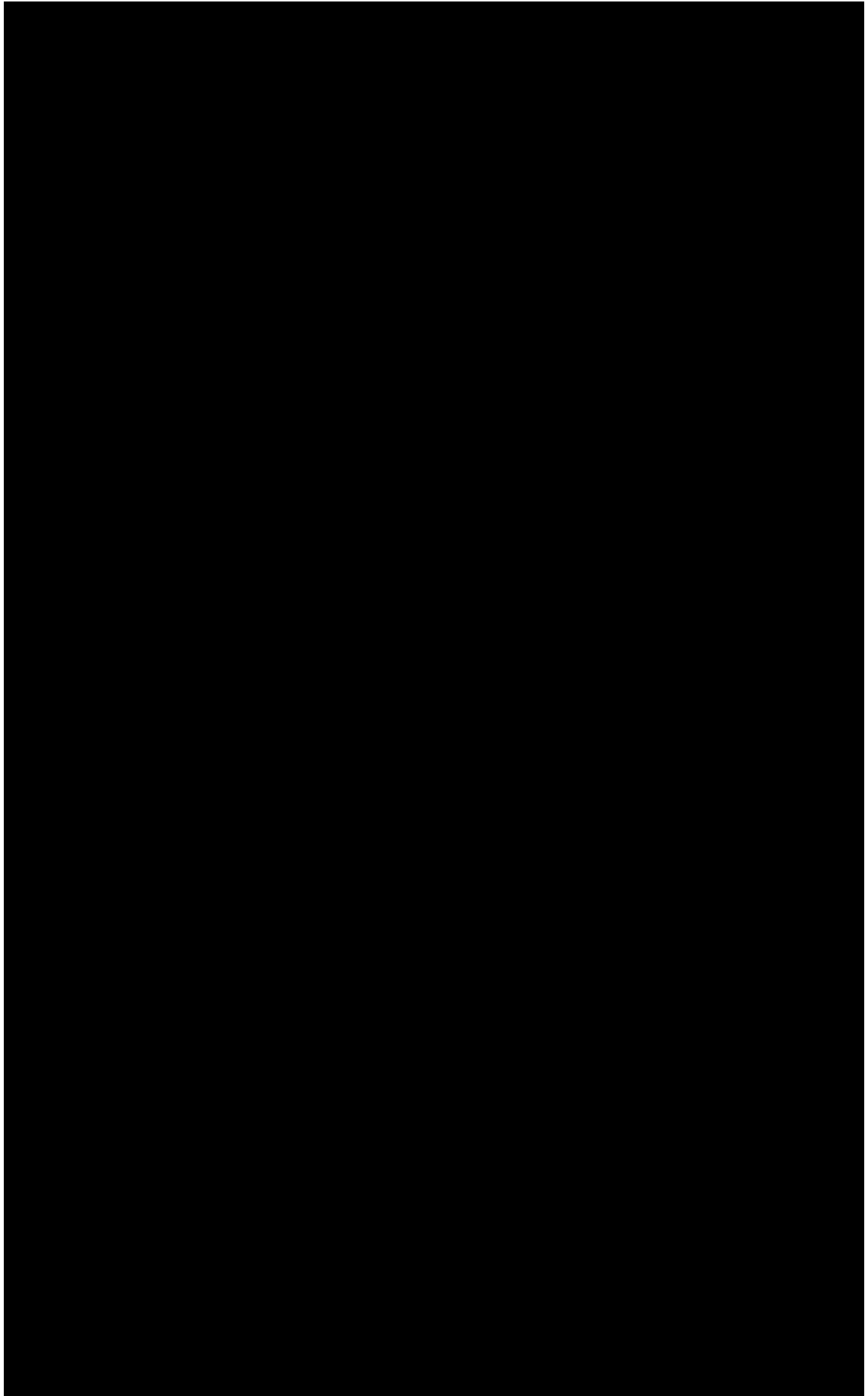
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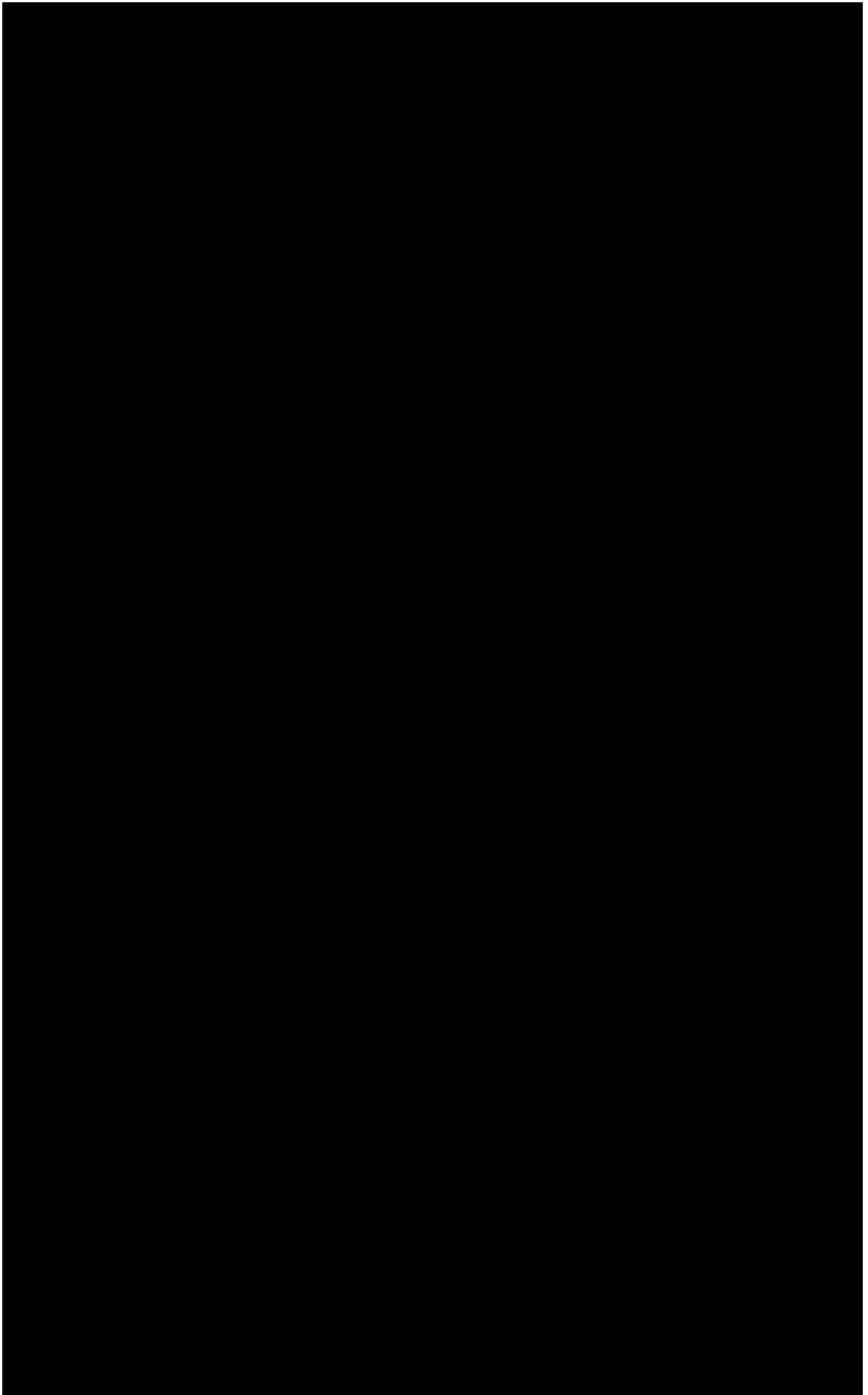
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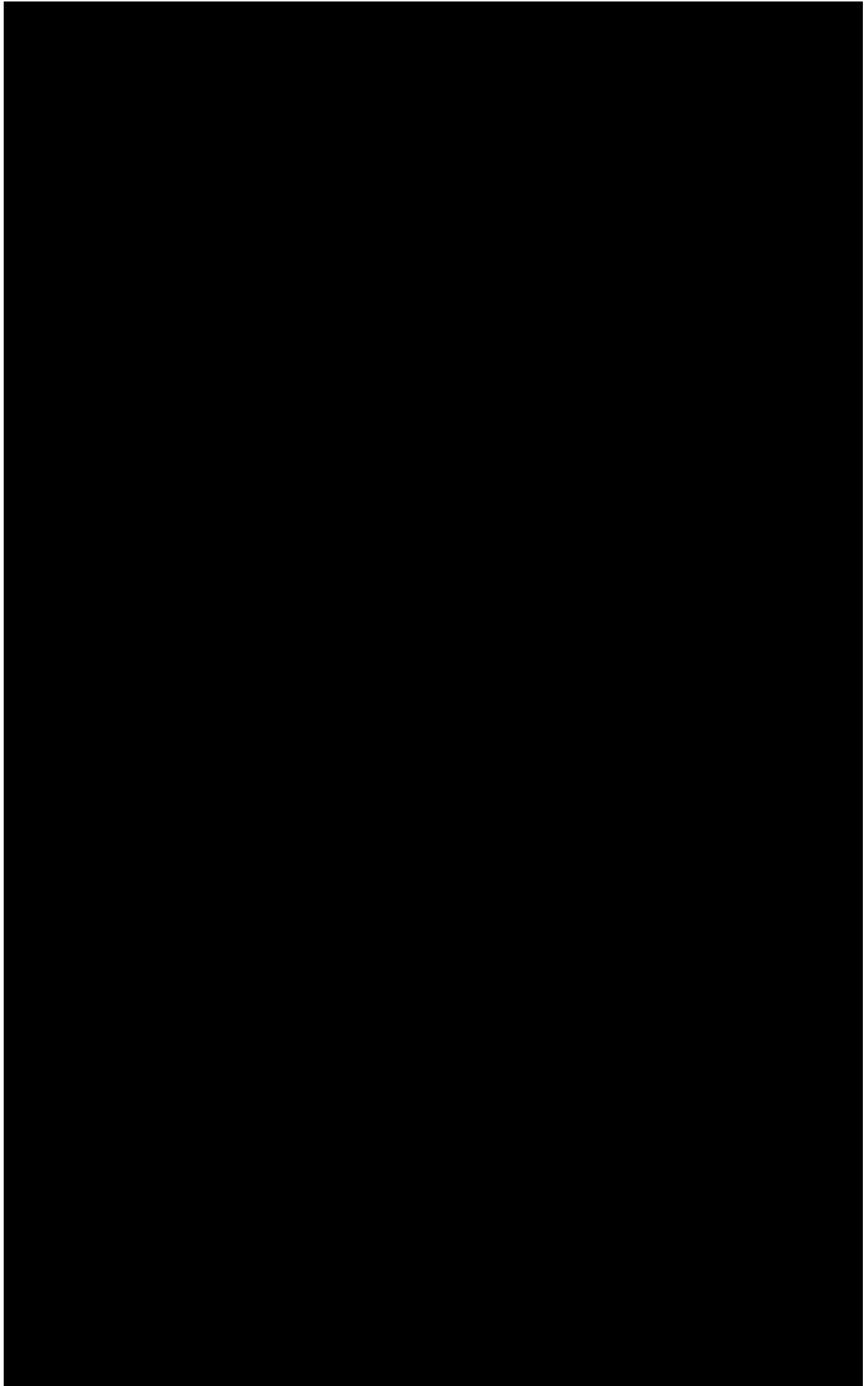
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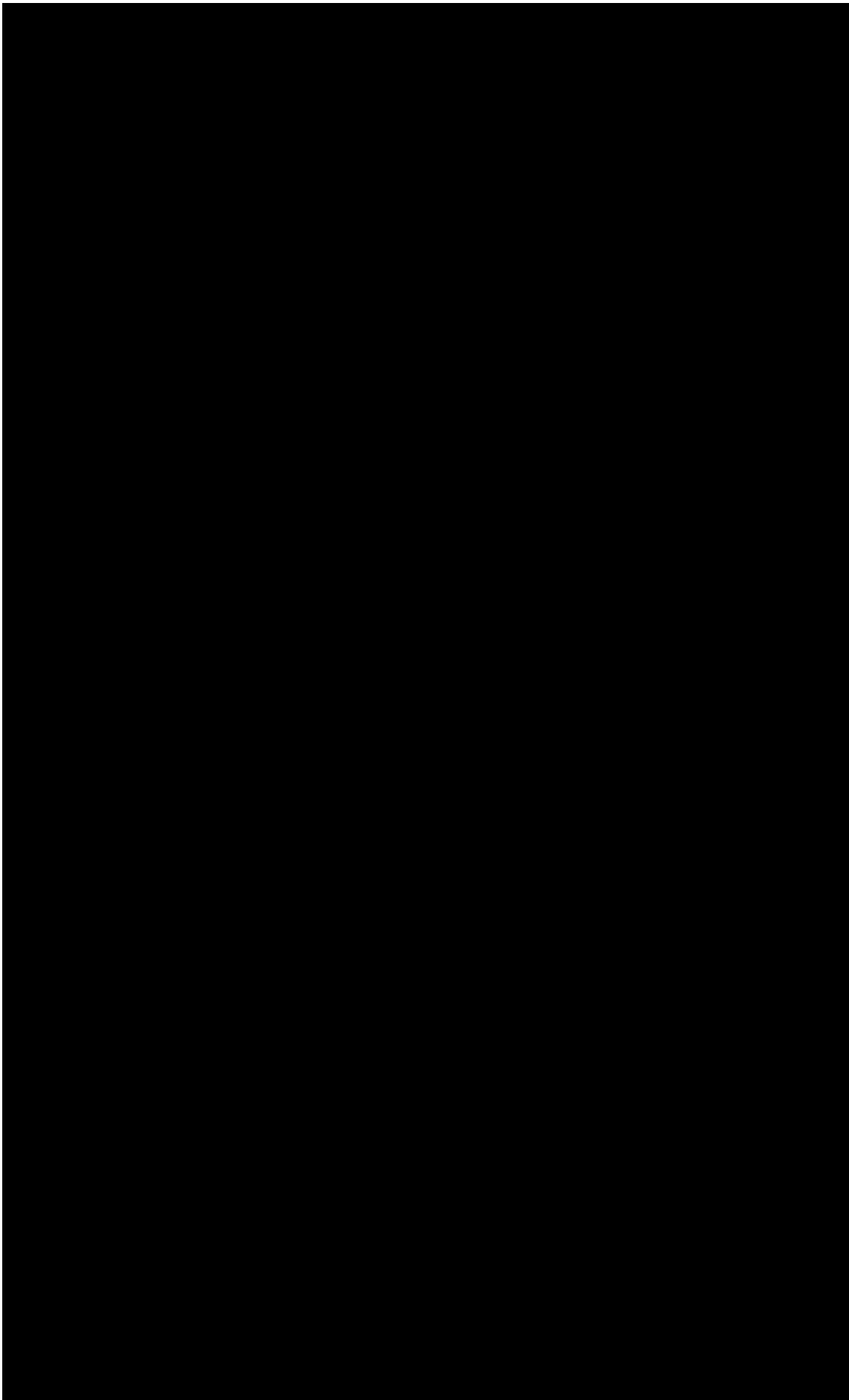
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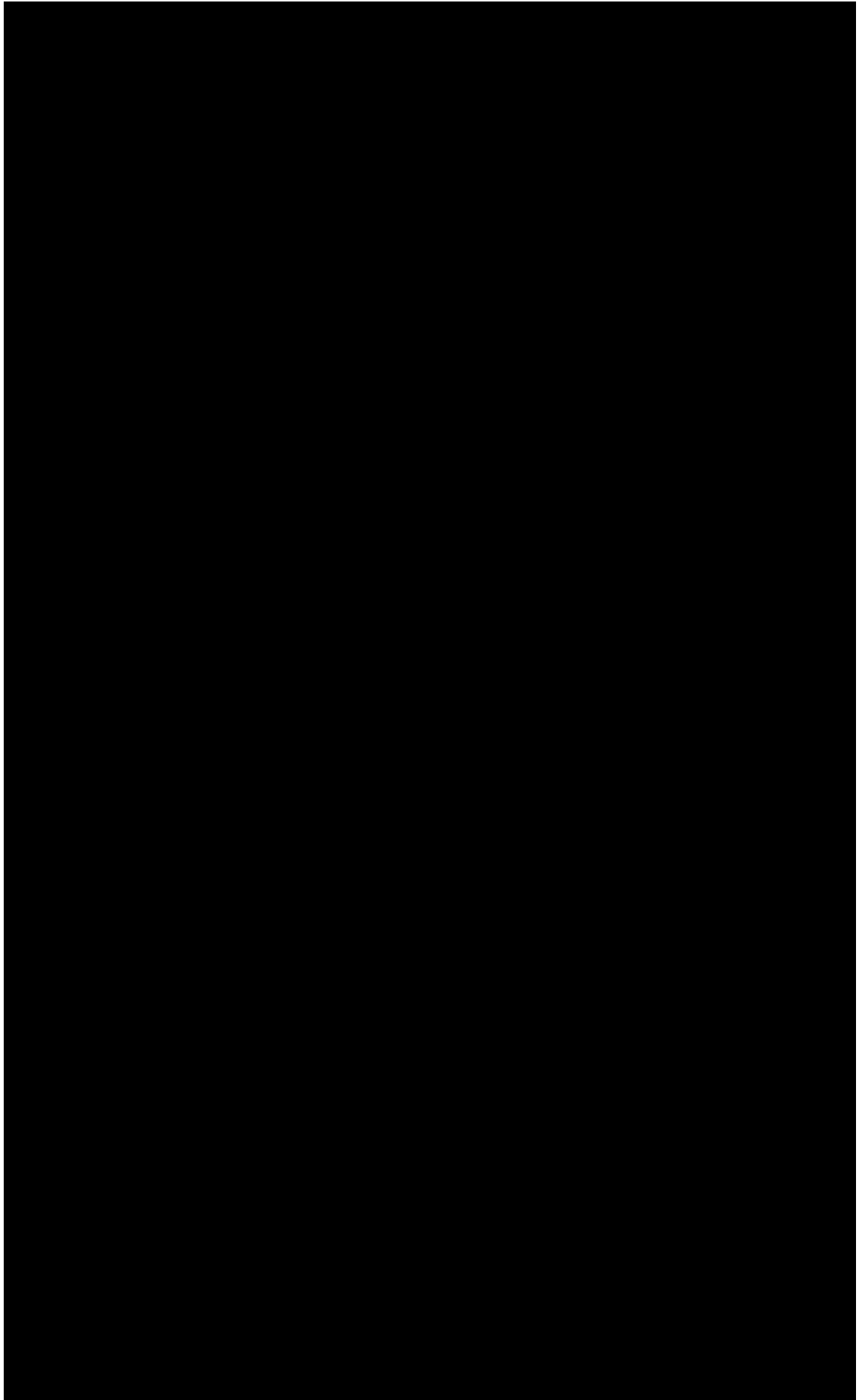
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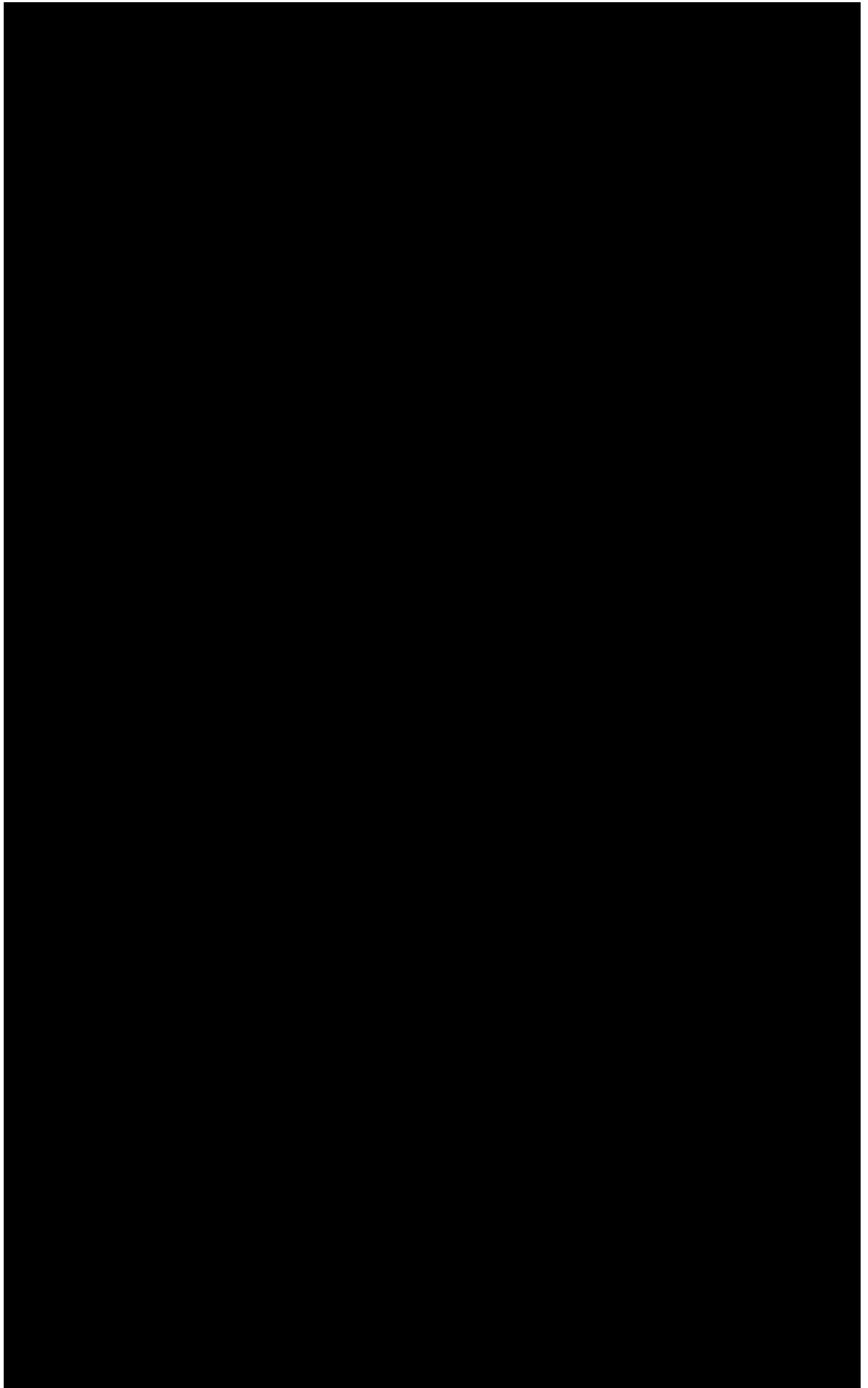
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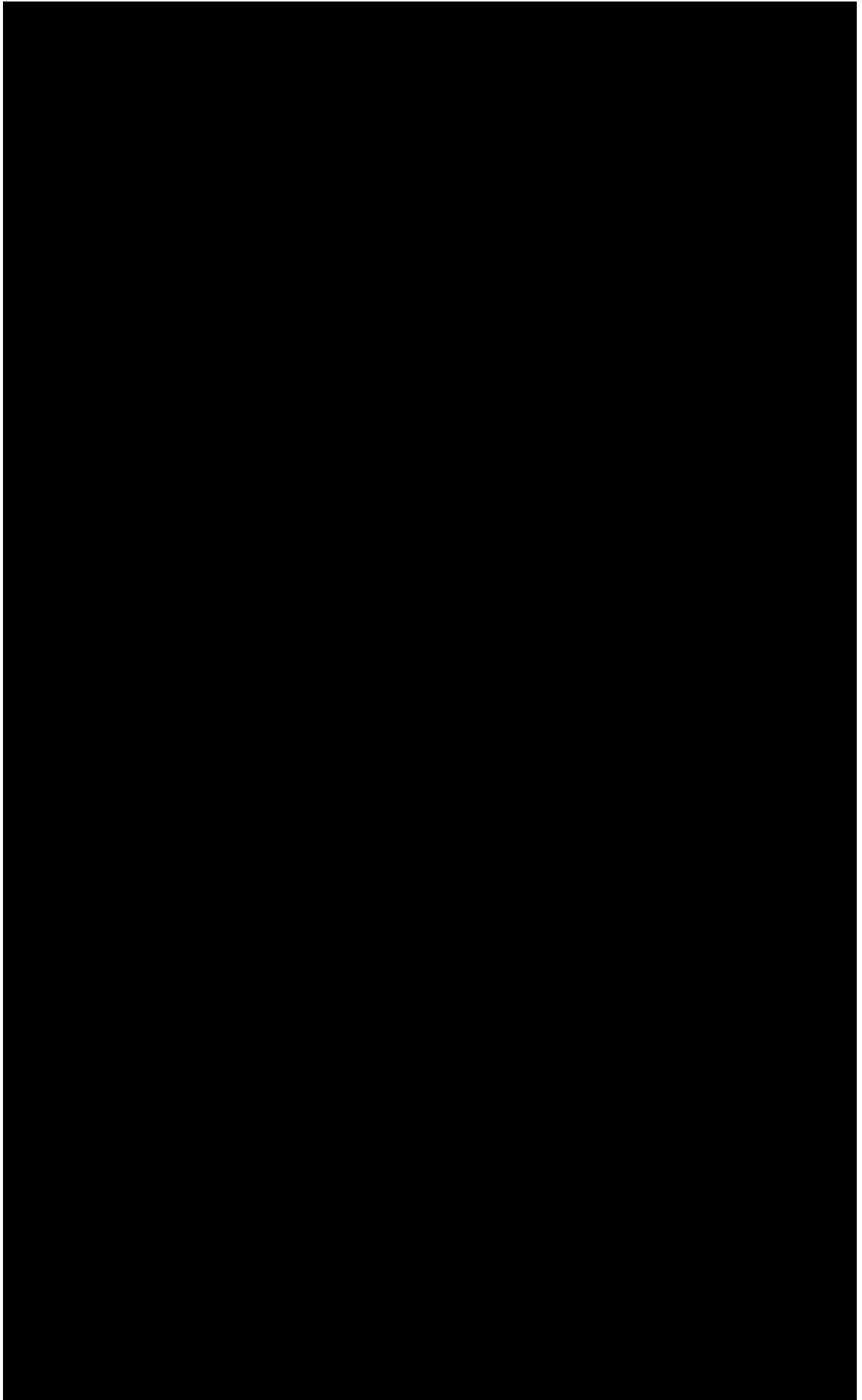
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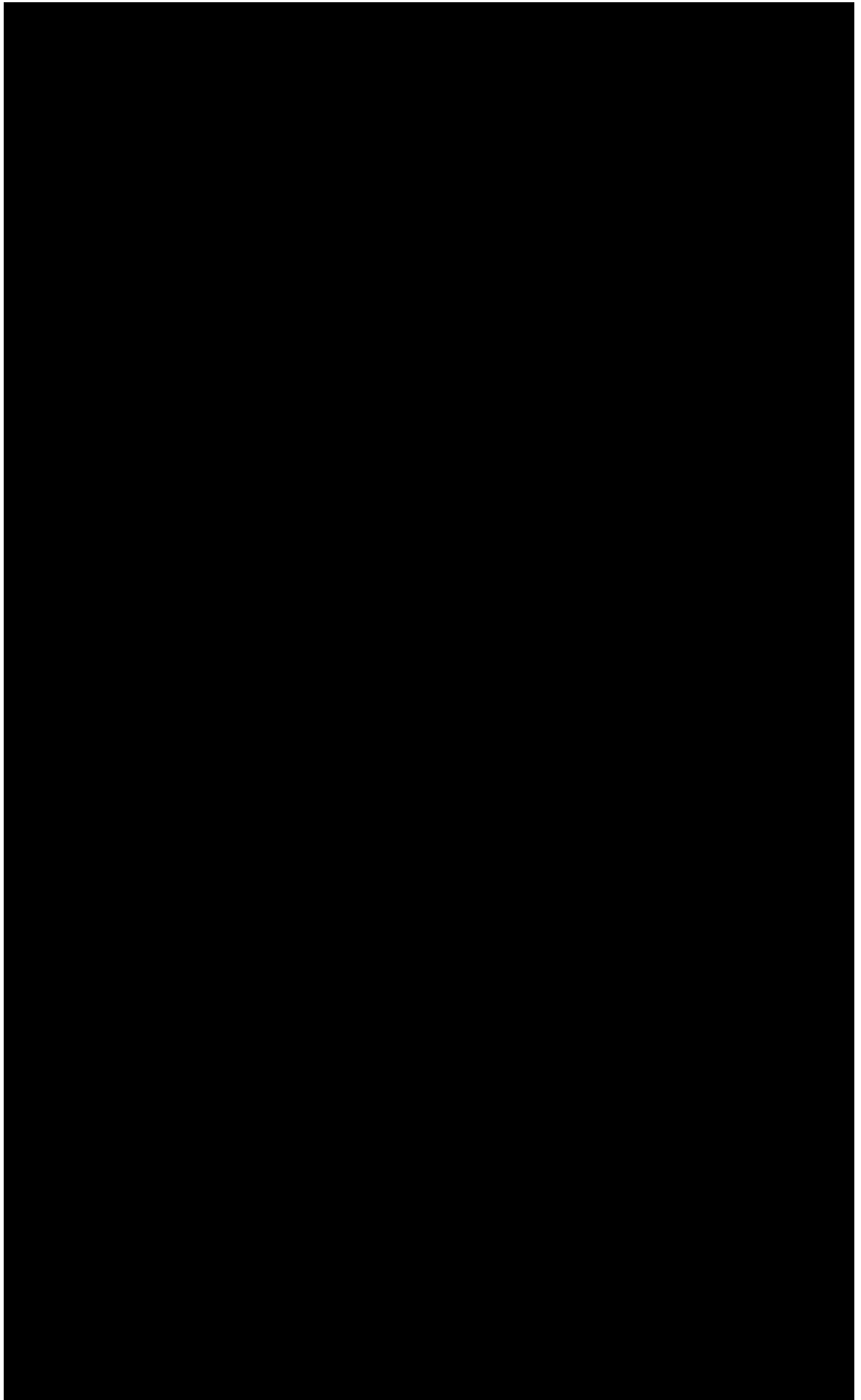
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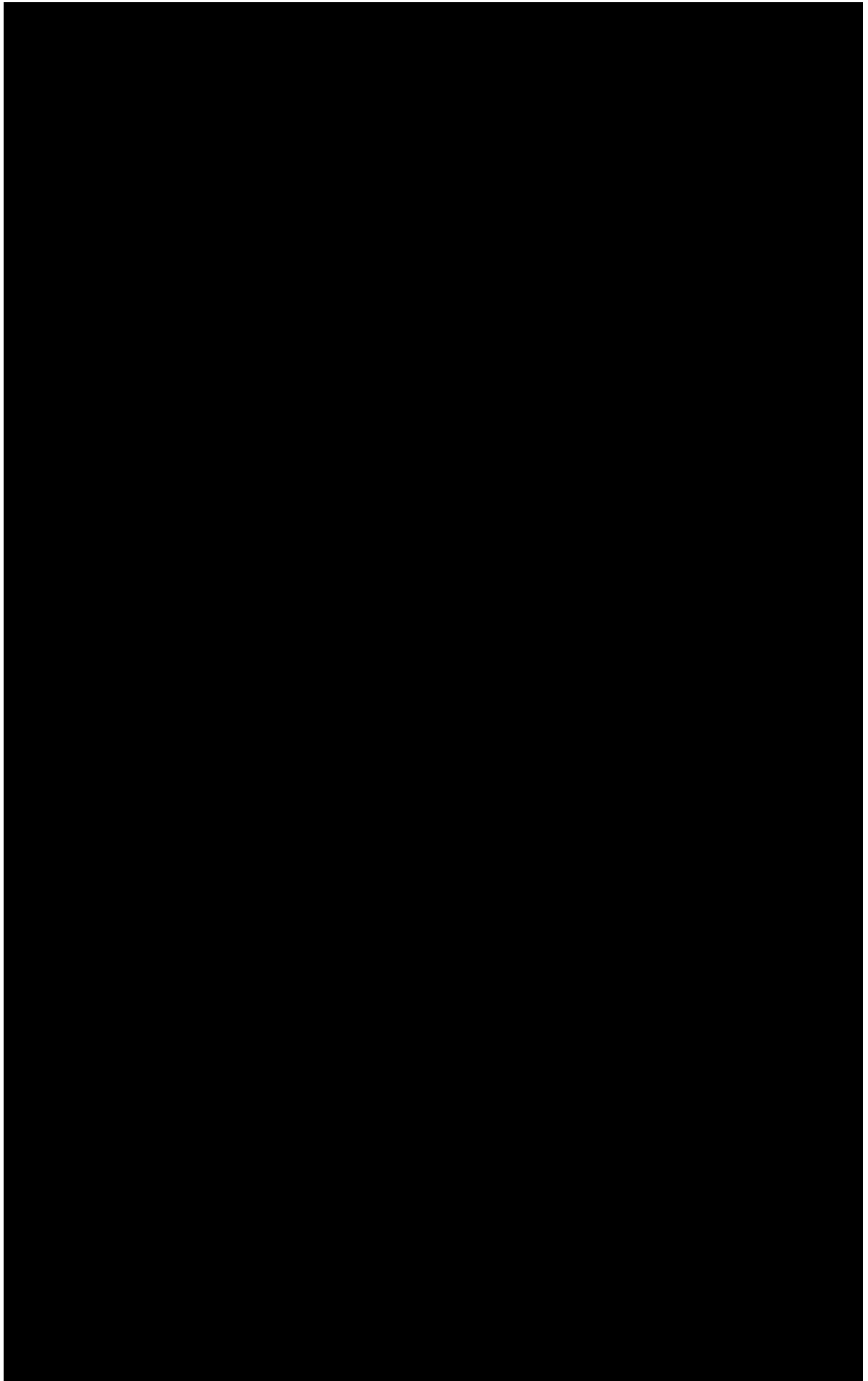
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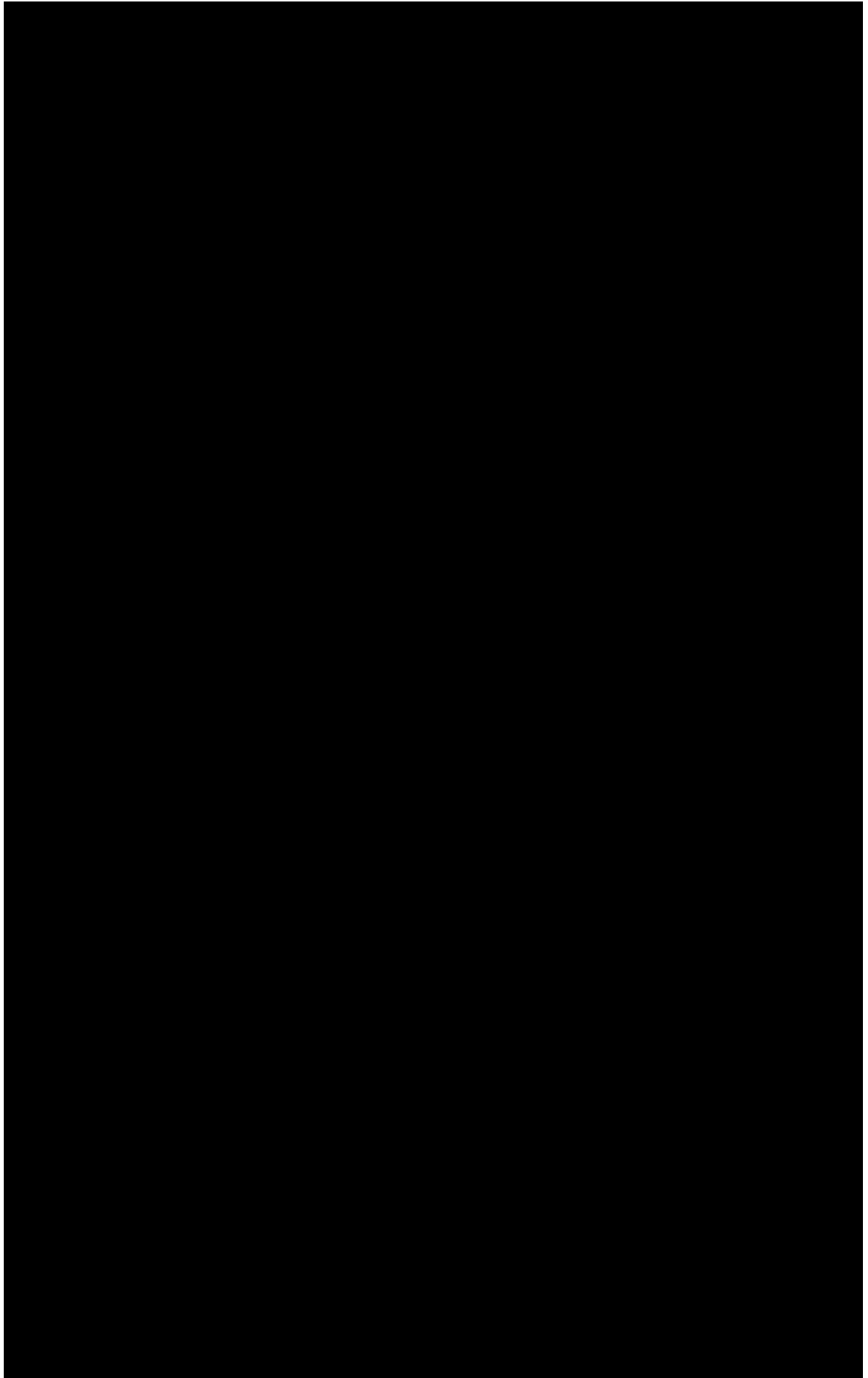
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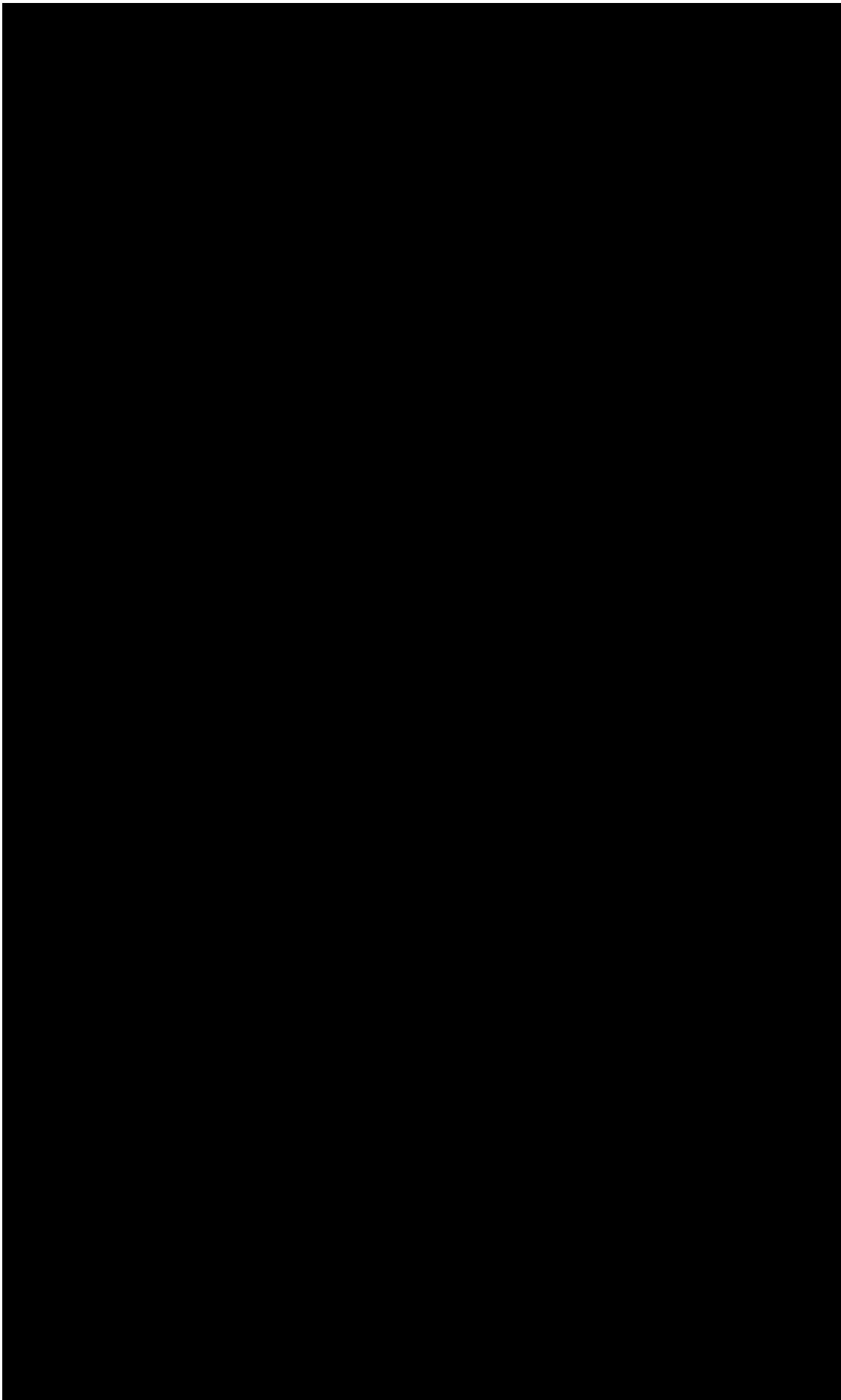
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18 MR. BAKER: I understand your objection,
19 and you don't have to say it any more than just,
20 "Object to form." If you say it with any more,
21 you know, vocalization, it doesn't make it any
22 more of an objection. In fact, I will be happy to
23 give you a standing objection.

24 Can we just agree that I'll give you

1 standing objection to every single question -- to
2 object to form on every single question?

3 MS. MILLER: No, I think I'm going to
4 object to form. It's my right.

5 MR. BAKER: Okay. But if you say it
6 just "object to form," without going, "Object to
7 form," and vehemently like that, that's not going
8 to make it any more of an objection than if you
9 just object. So -- so --

10 MS. MILLER: Well, then can I correct
11 you when you raise your voice? Is that how this
12 is going to work?

13 MR. BAKER: I -- I would prefer you not
14 do that.

15 MS. MILLER: Well, I would prefer you
16 would not do that to me. So let's -- why don't we
17 just agree that we each --

18 MR. BAKER: But I just want to have the
19 ability to ask --

20 MS. MILLER: -- each speak on the record
21 as we see fit.

22 MR. BAKER: -- the question without
23 being interrupted every single time.

24 MS. MILLER: You -- you're -- I'm

1 allowing you to ask your question, and then I'm
2 objecting, as is my right.

3 MR. BAKER: Right. But if you say it
4 any louder than what you're -- if you say it just
5 in this tone, "Object to form," I get it. You
6 don't have to say, "Object to form," and spread
7 that out with such volume. It doesn't make it any
8 more of an objection. So but just hold the
9 objection down so that the witness can answer, I'd
10 appreciate it.

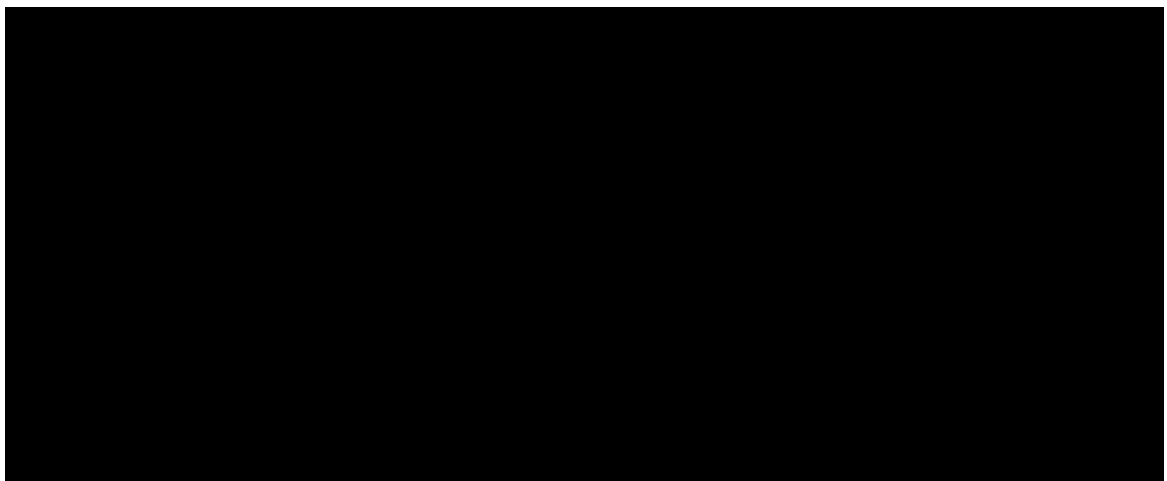
11 MS. MILLER: Okay. Are you going to
12 hold your volume down as well?

13 MR. BAKER: To the extent that I need to
14 communicate, I will use volume. So --

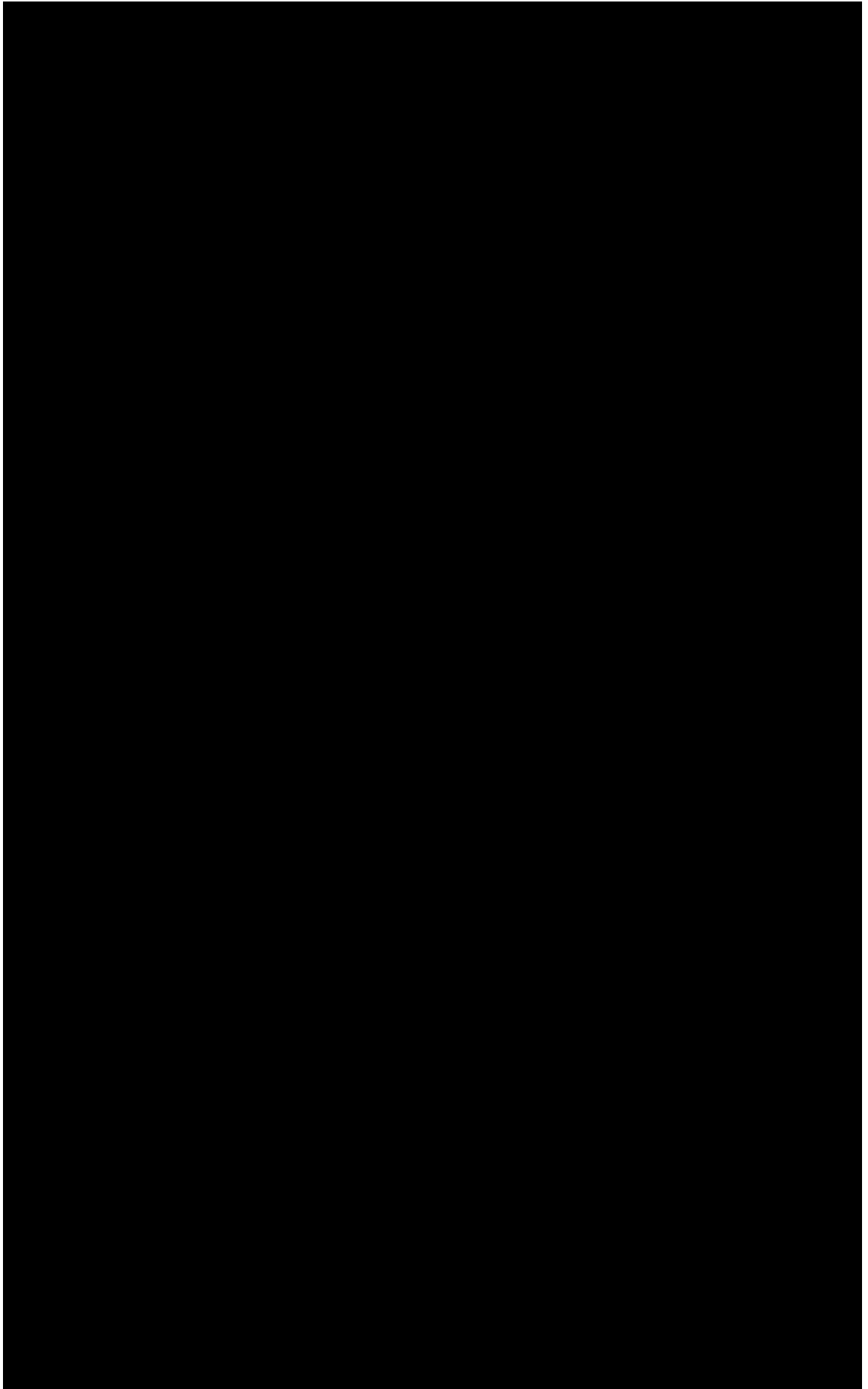
15 MS. MILLER: And I reserve the right to
16 do the same.

17 MR. BAKER: Okay. So let's move
18 forward.

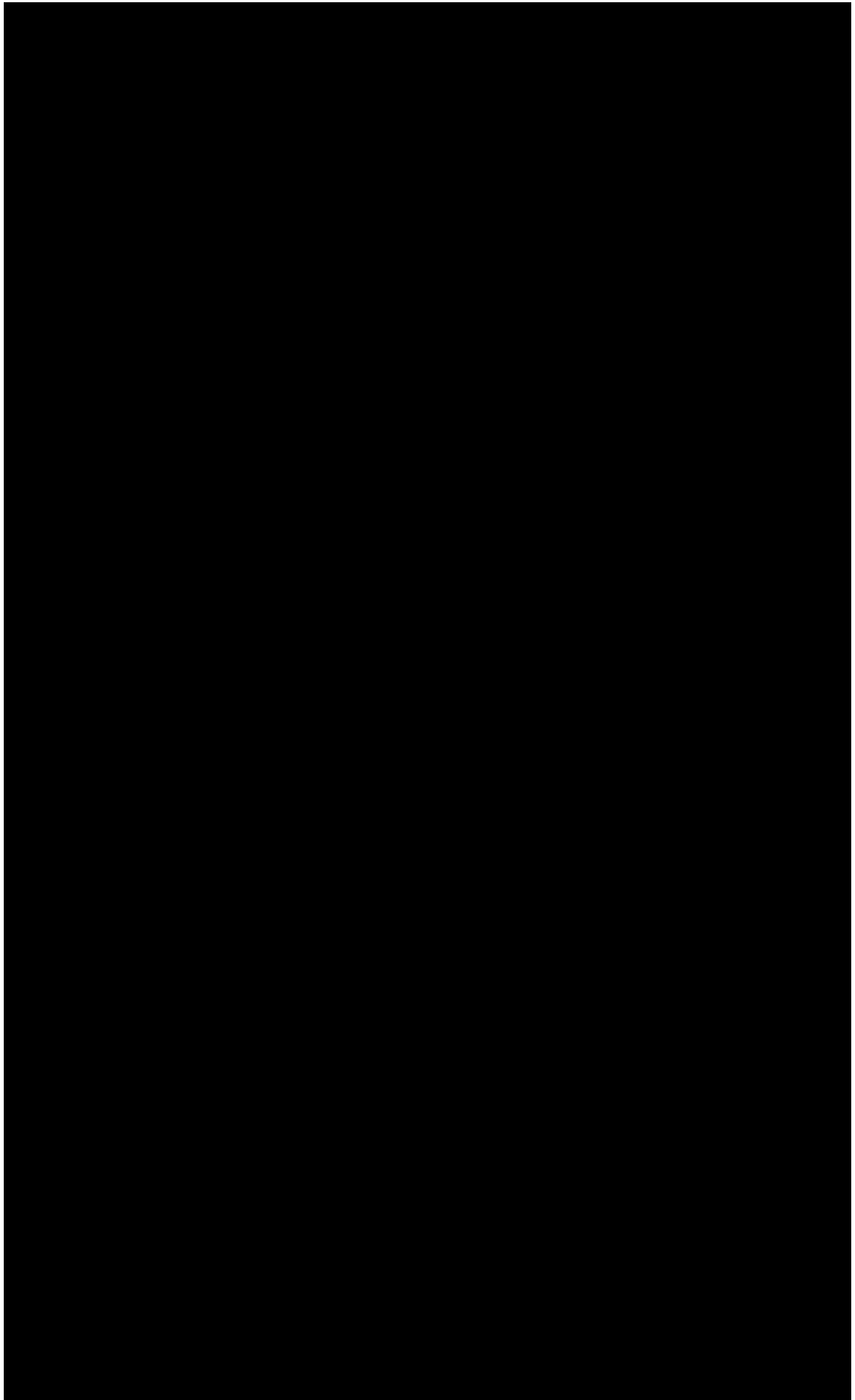
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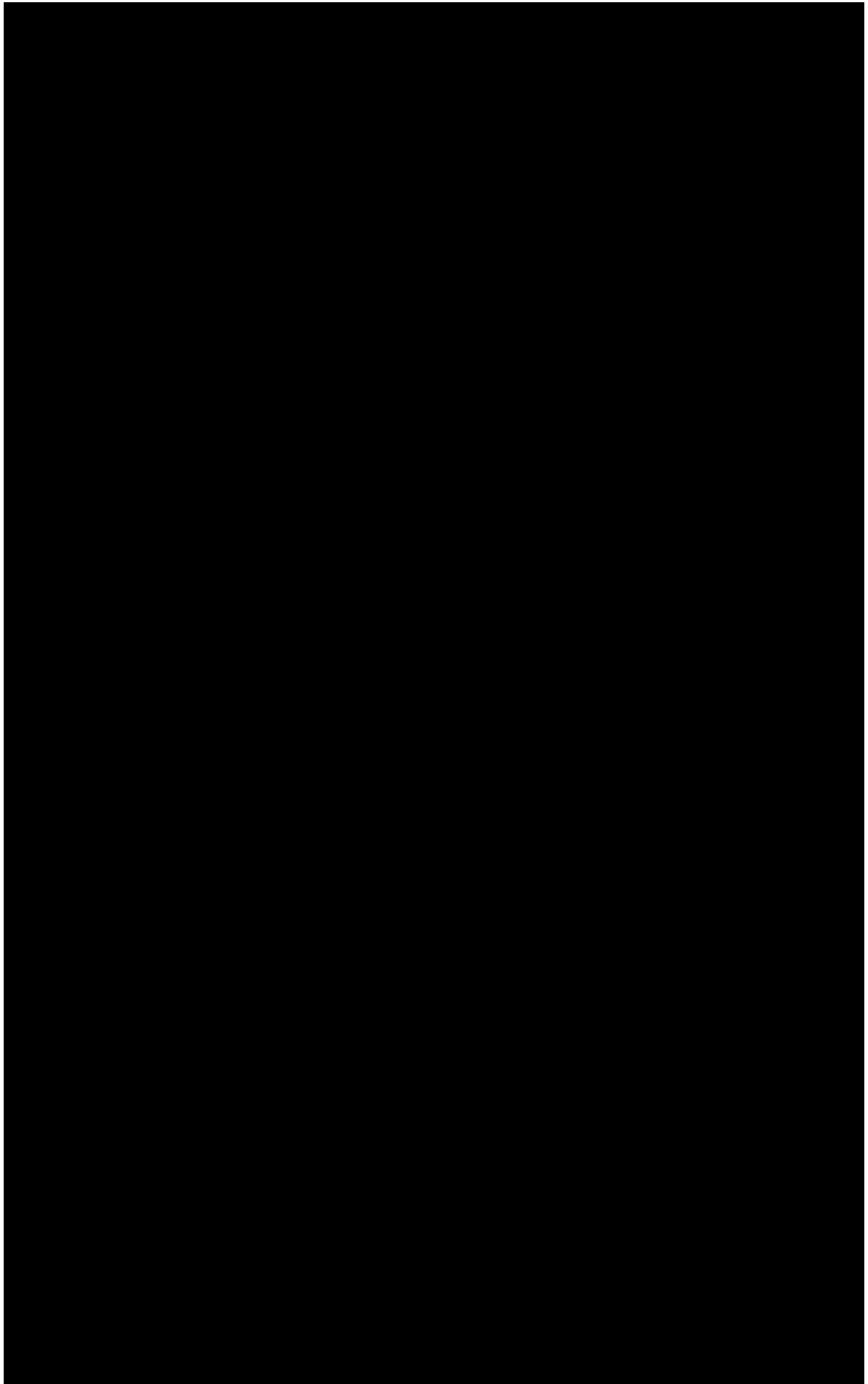
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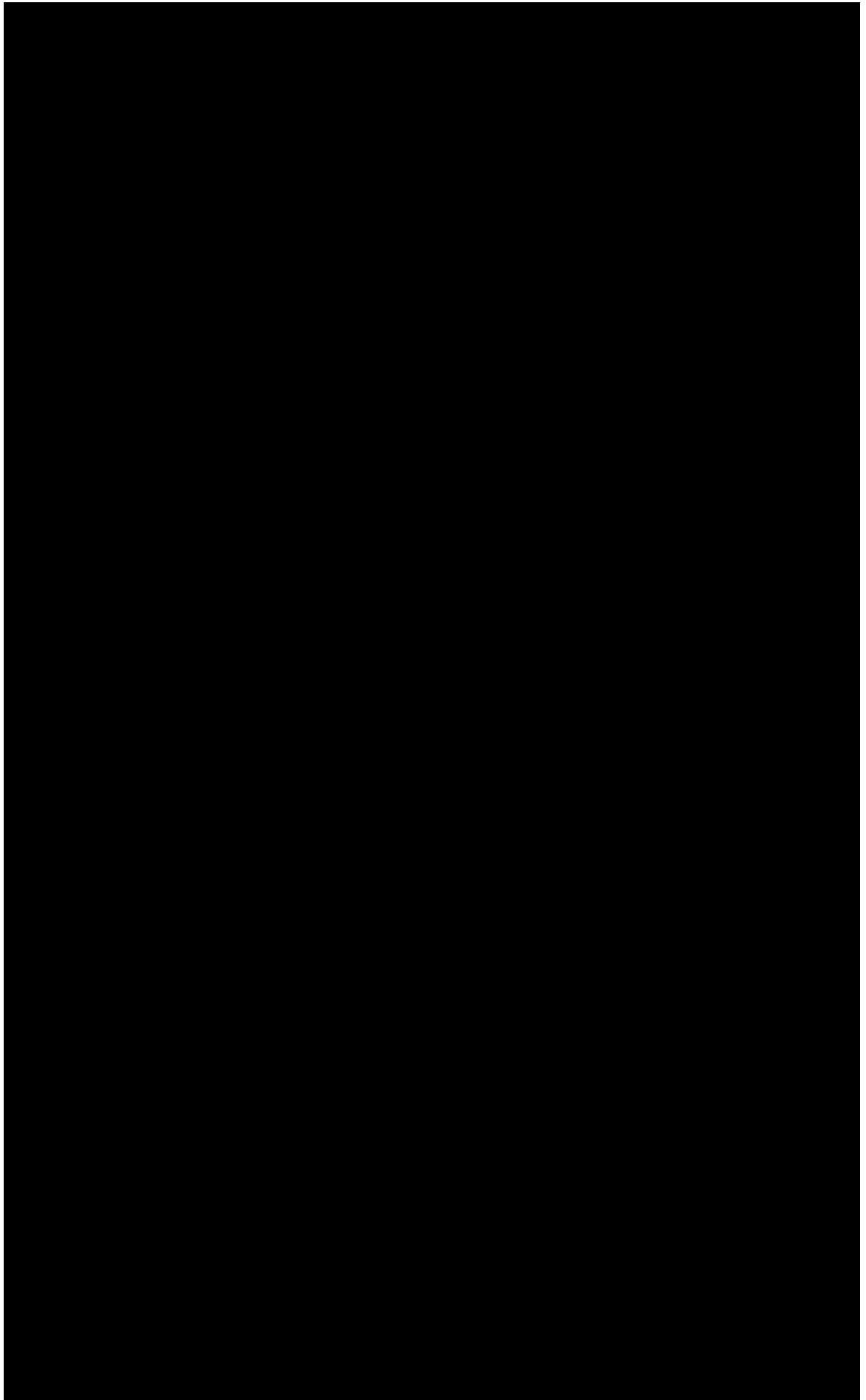
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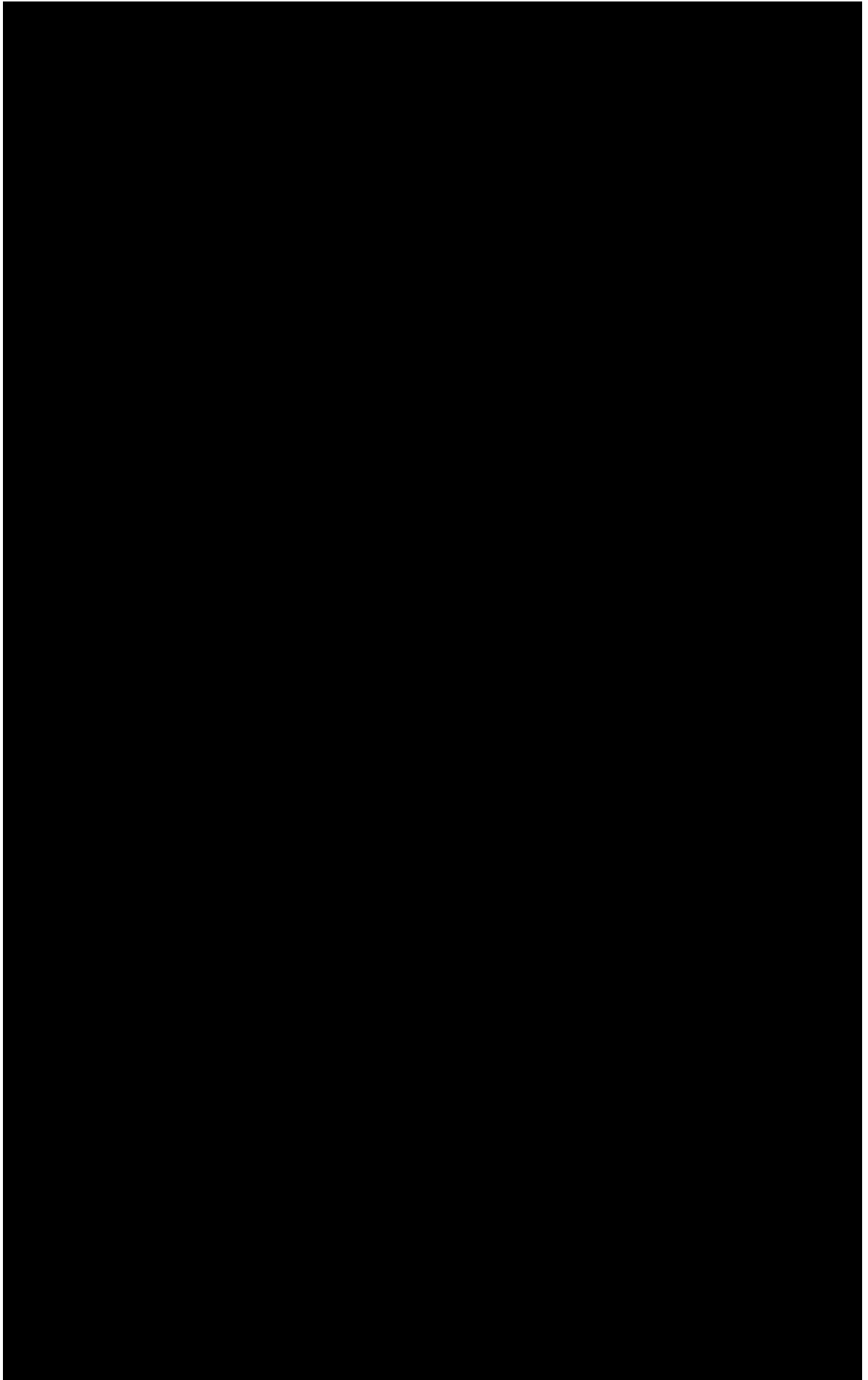
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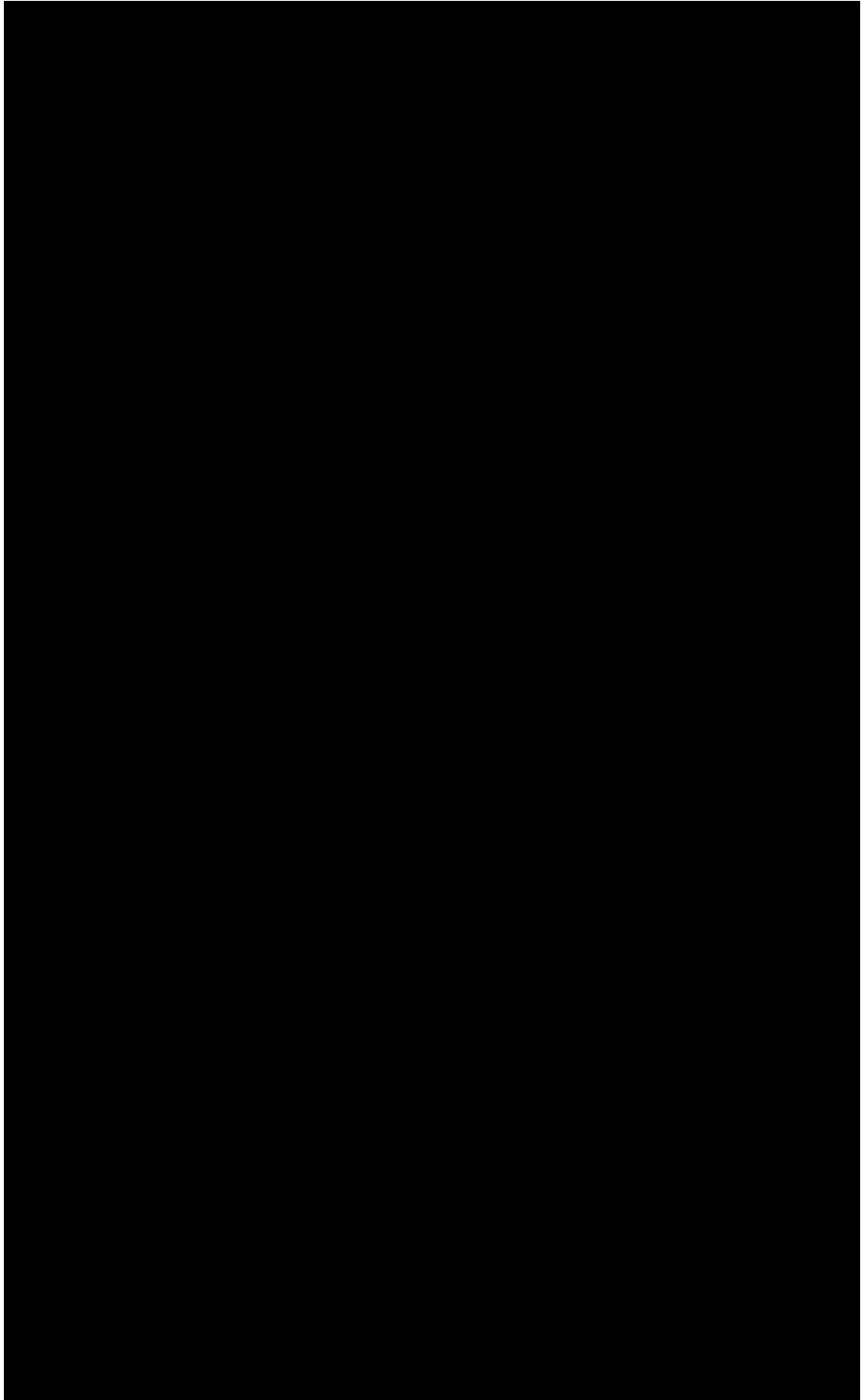
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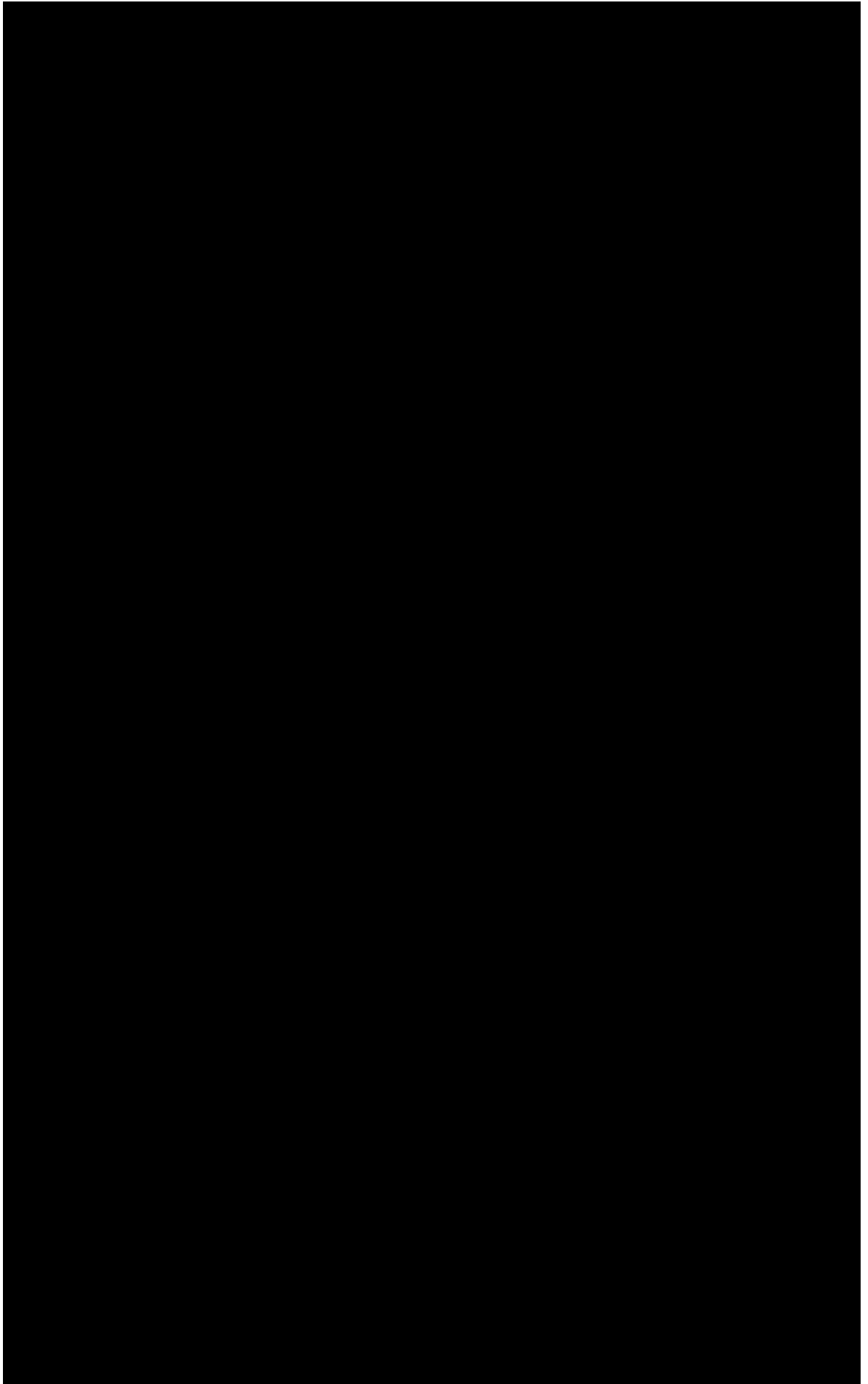
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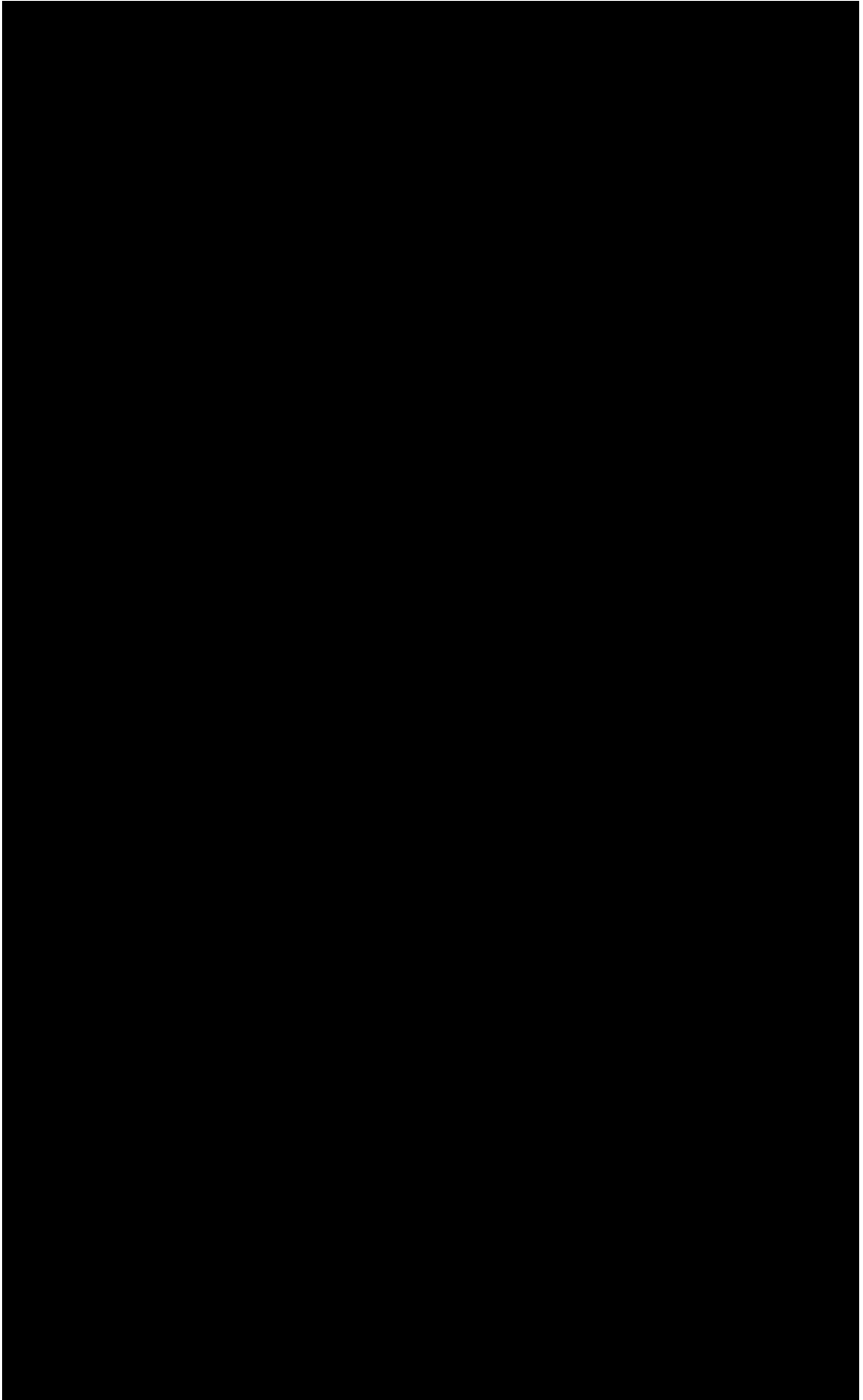
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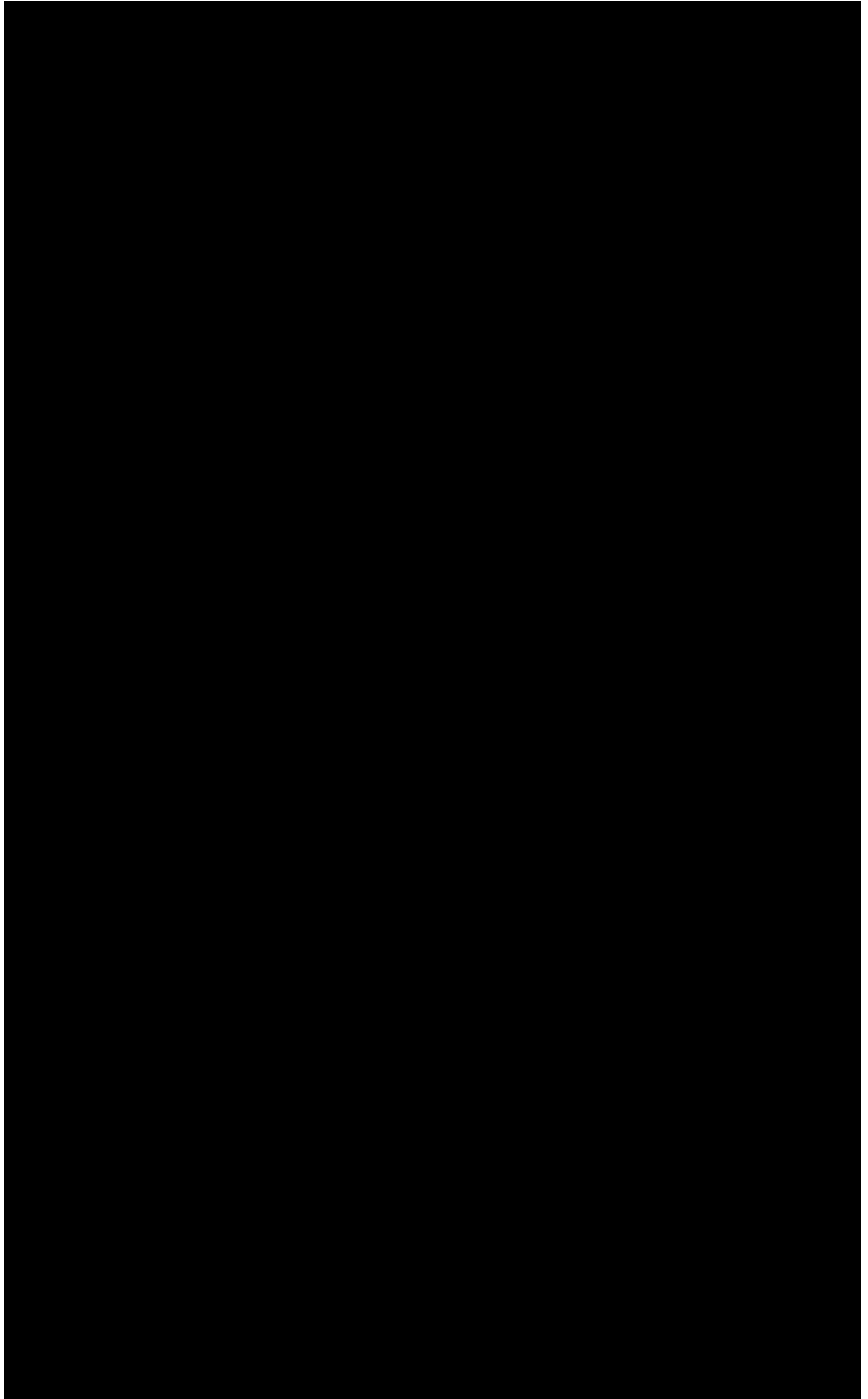
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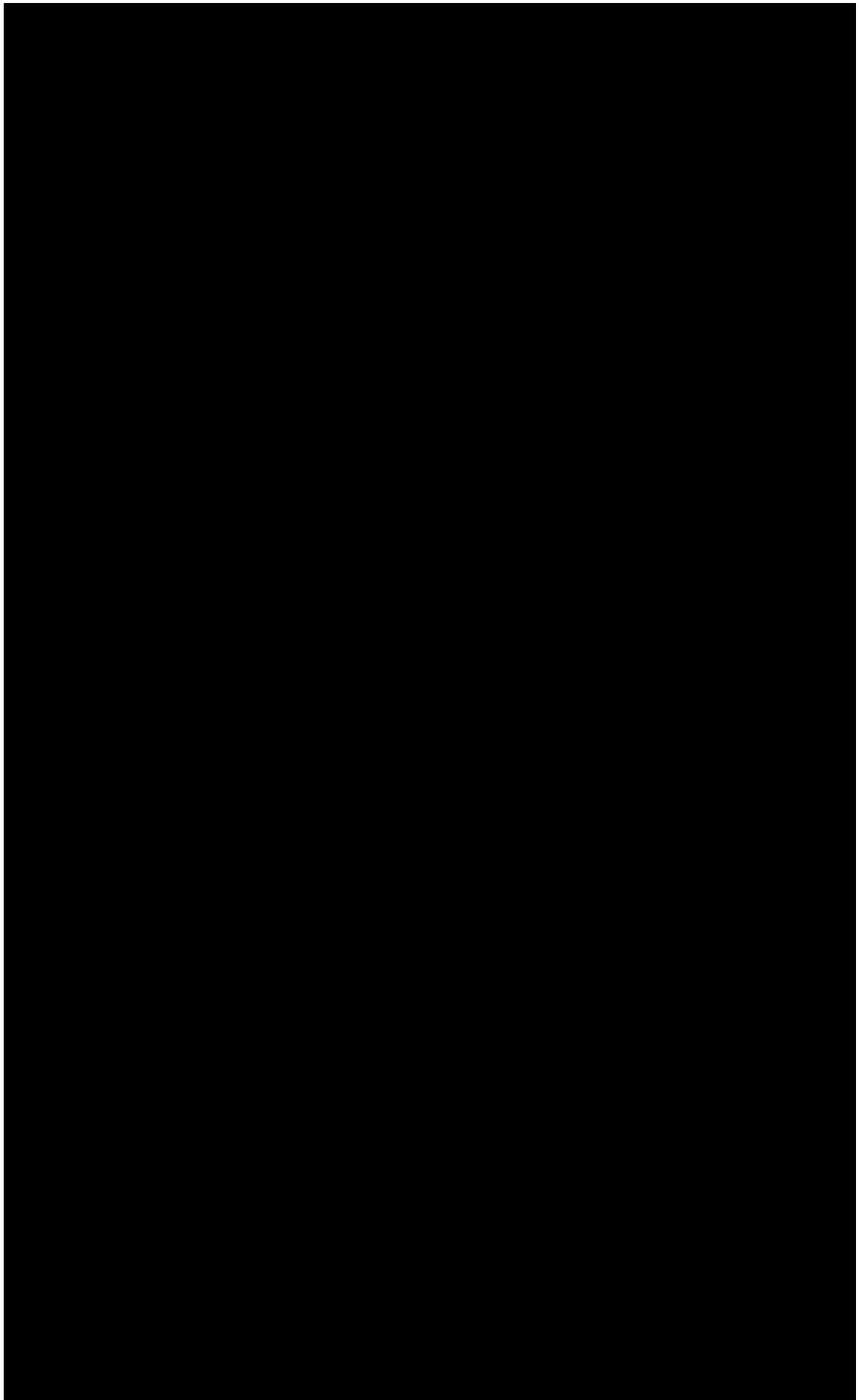
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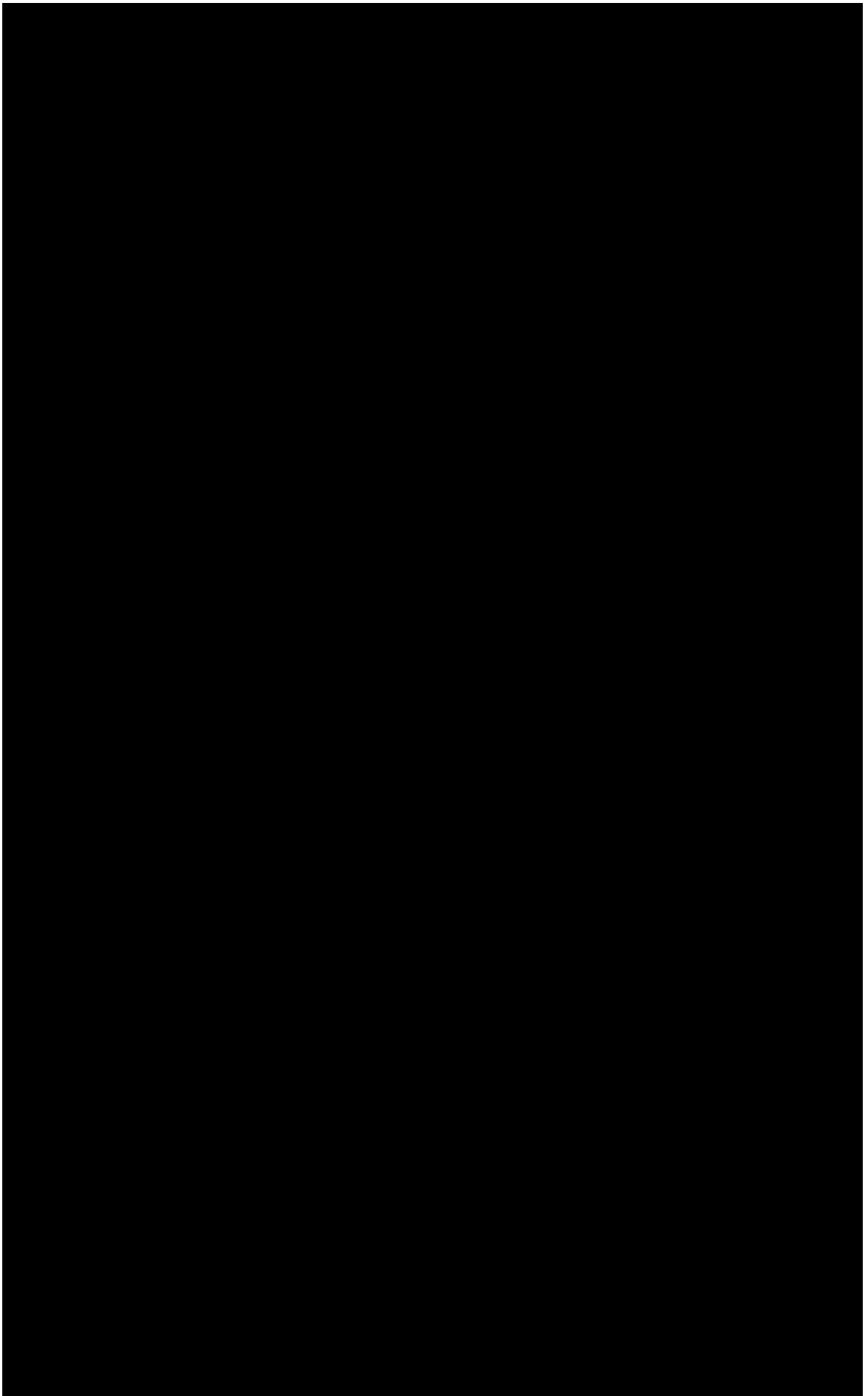
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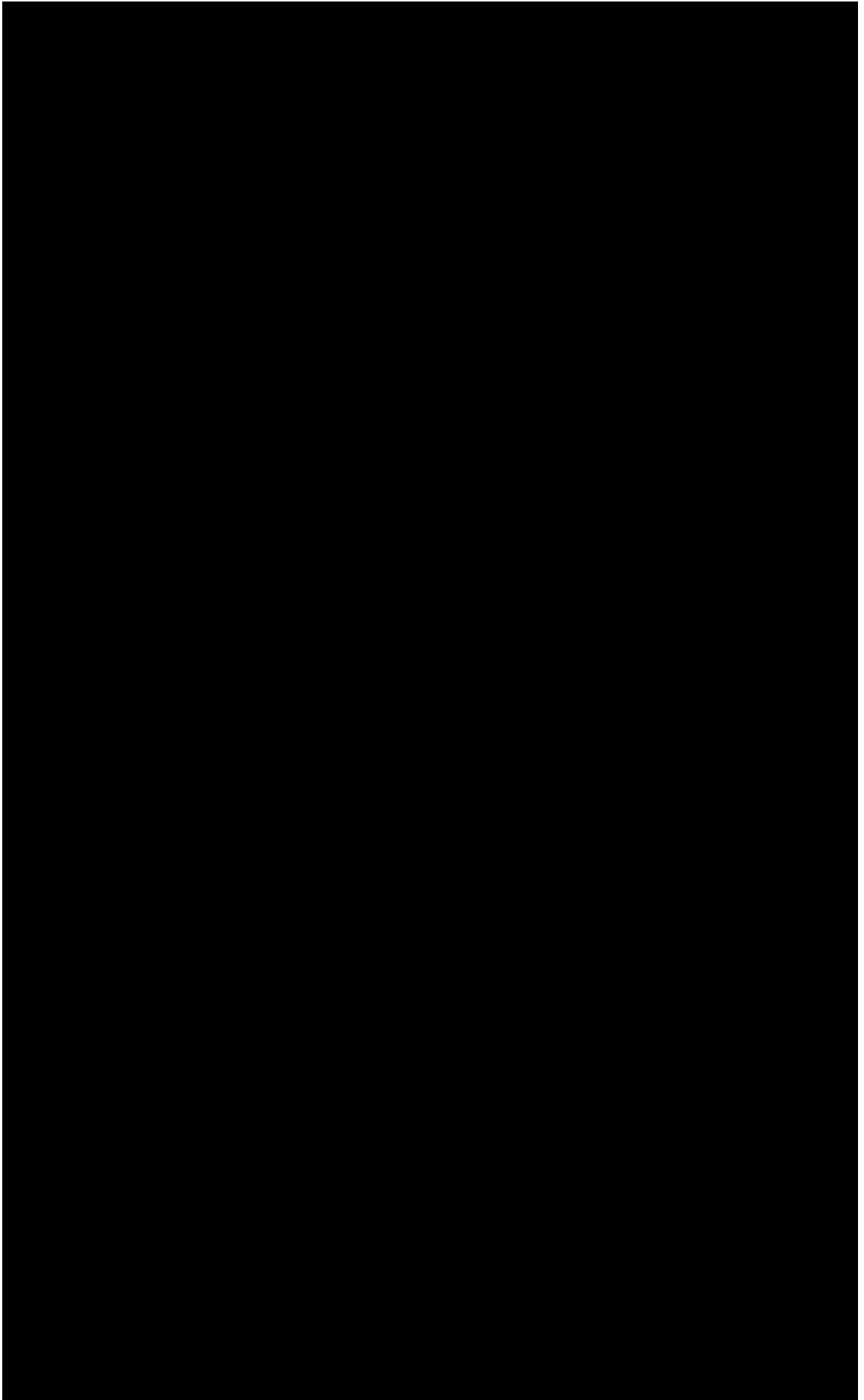
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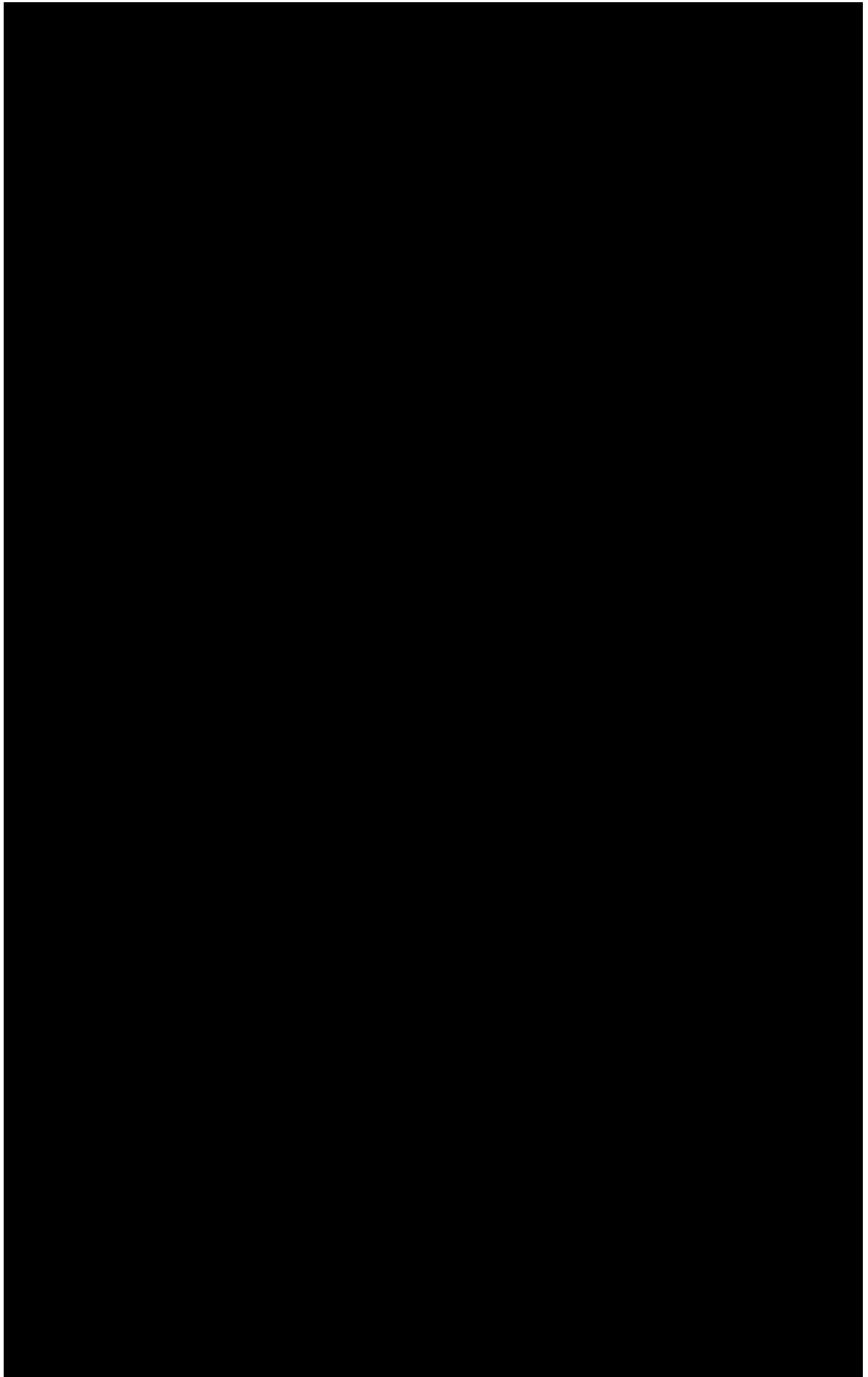
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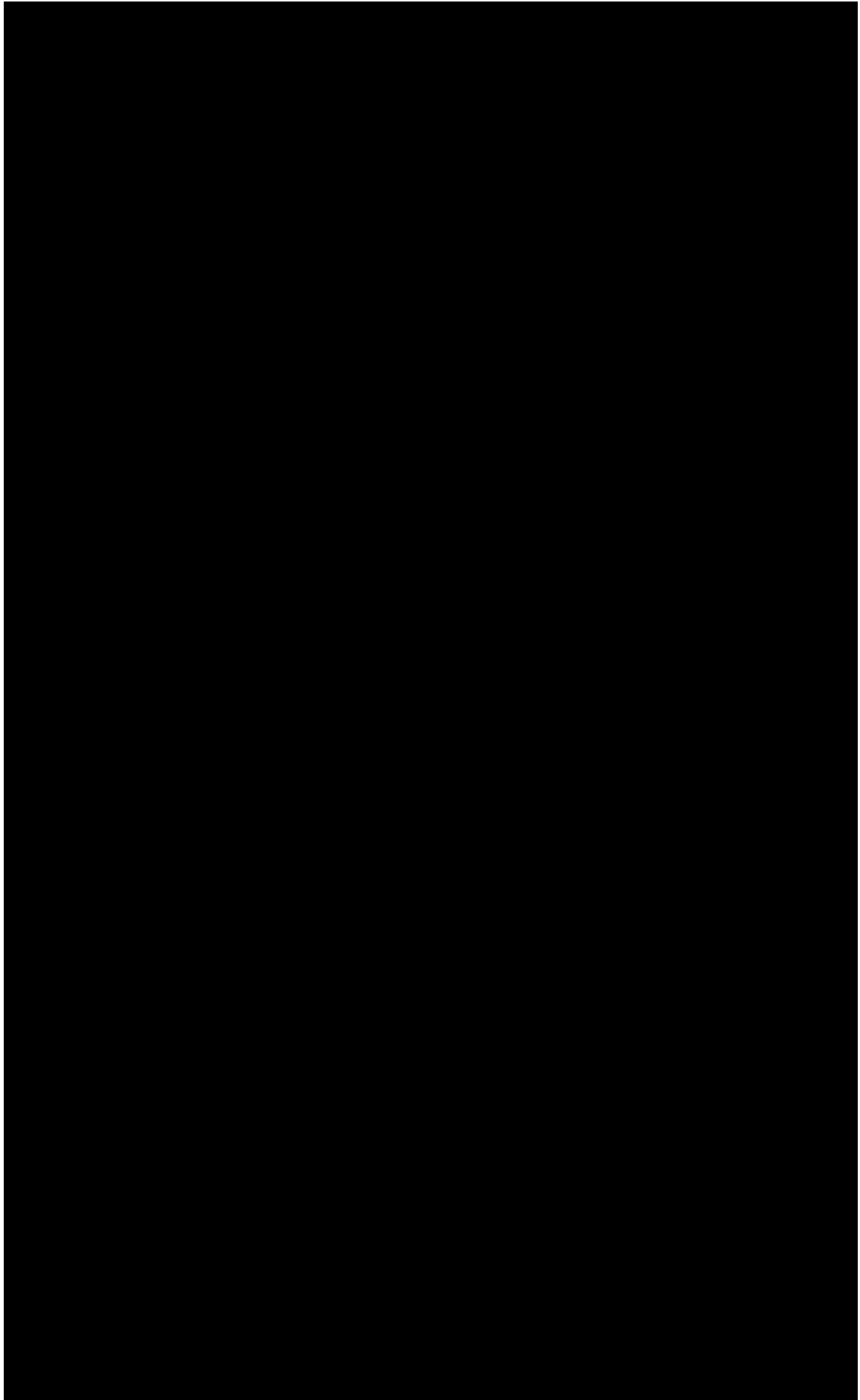
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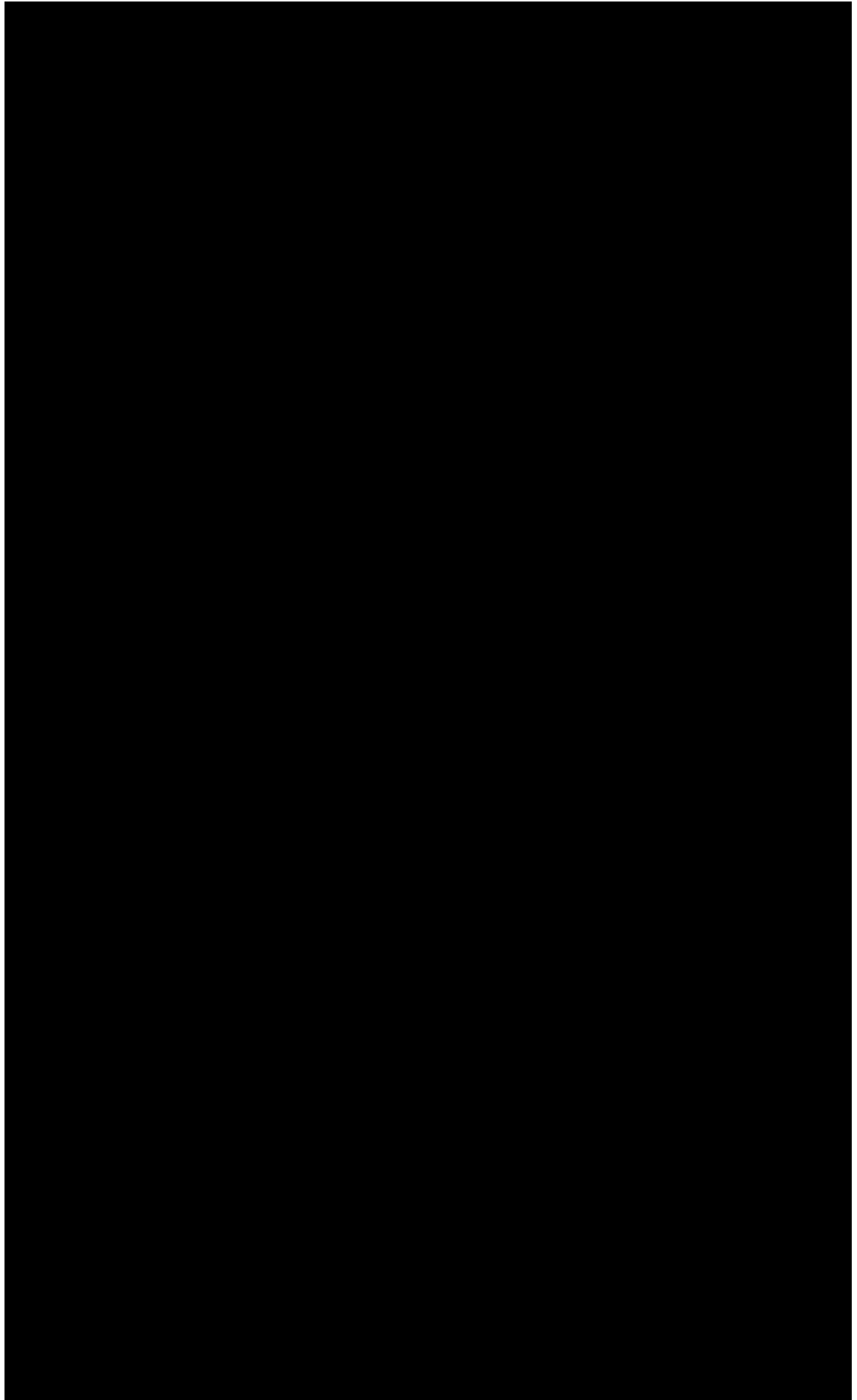
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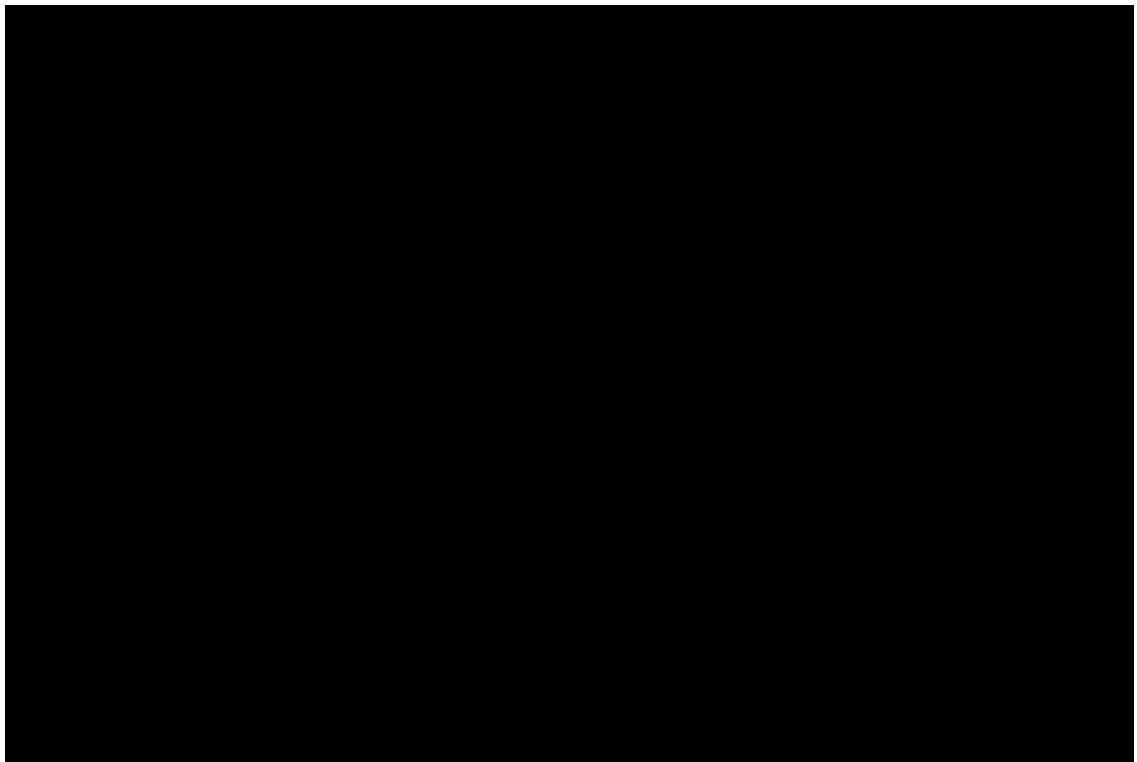
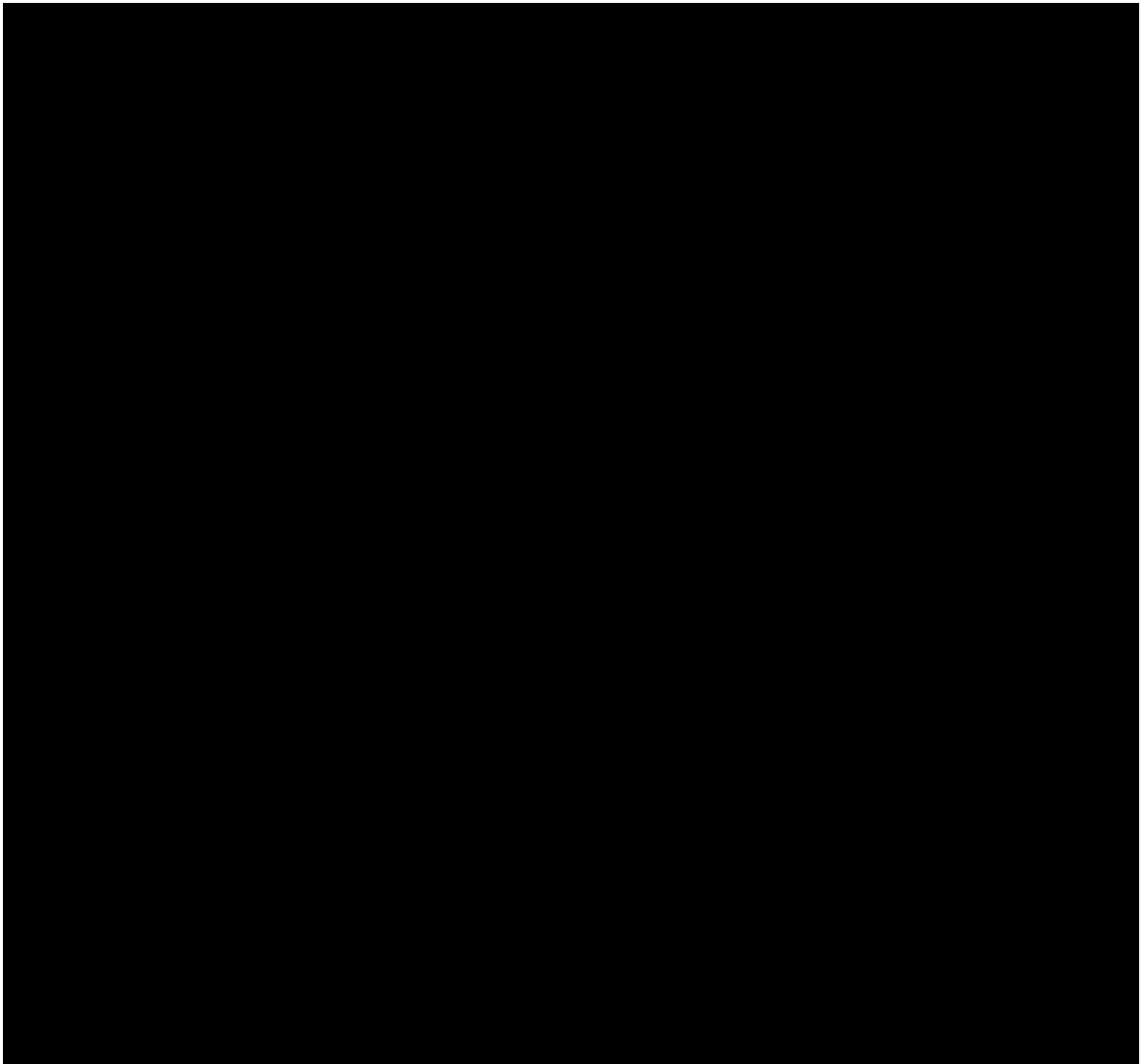
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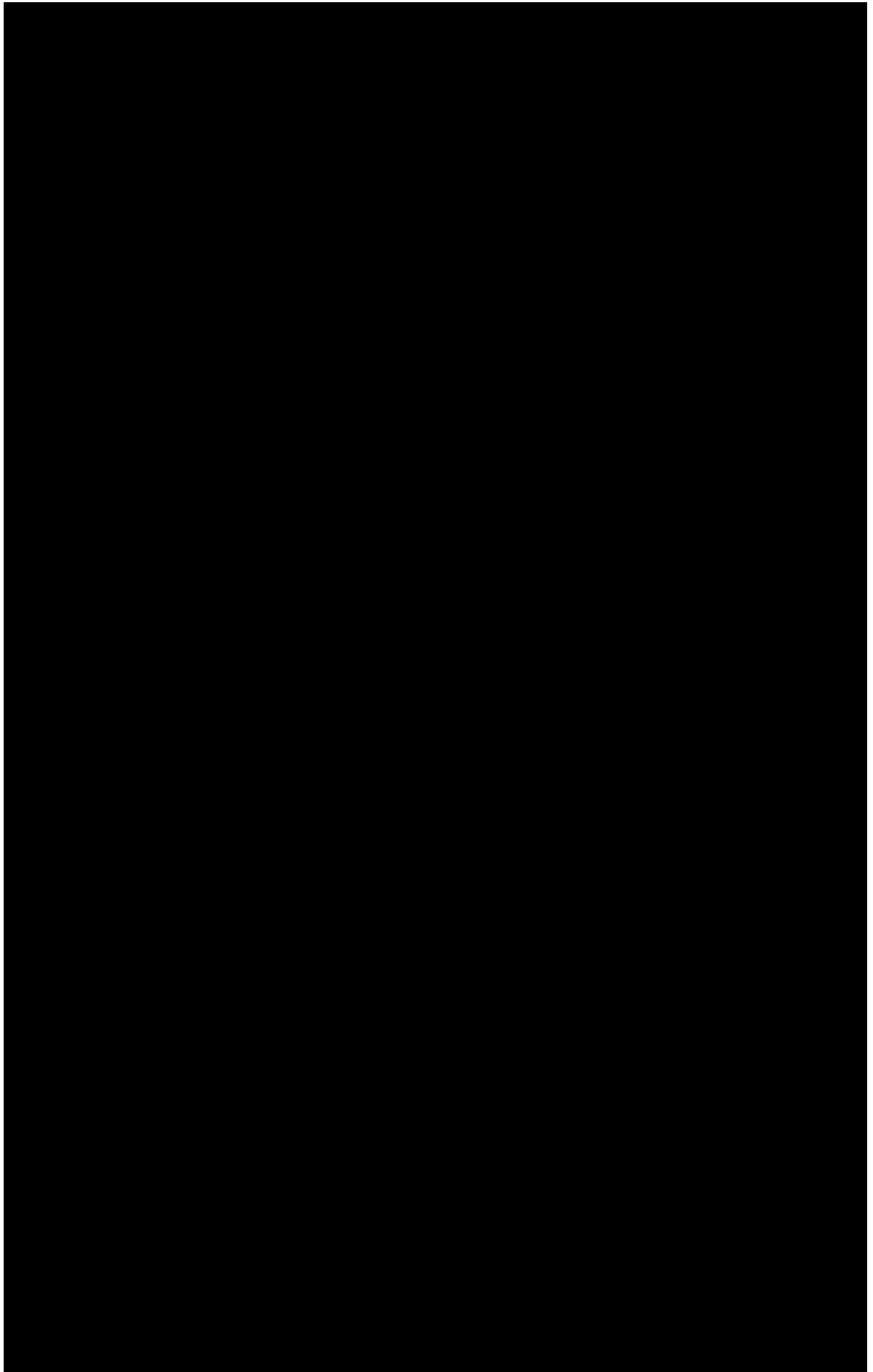
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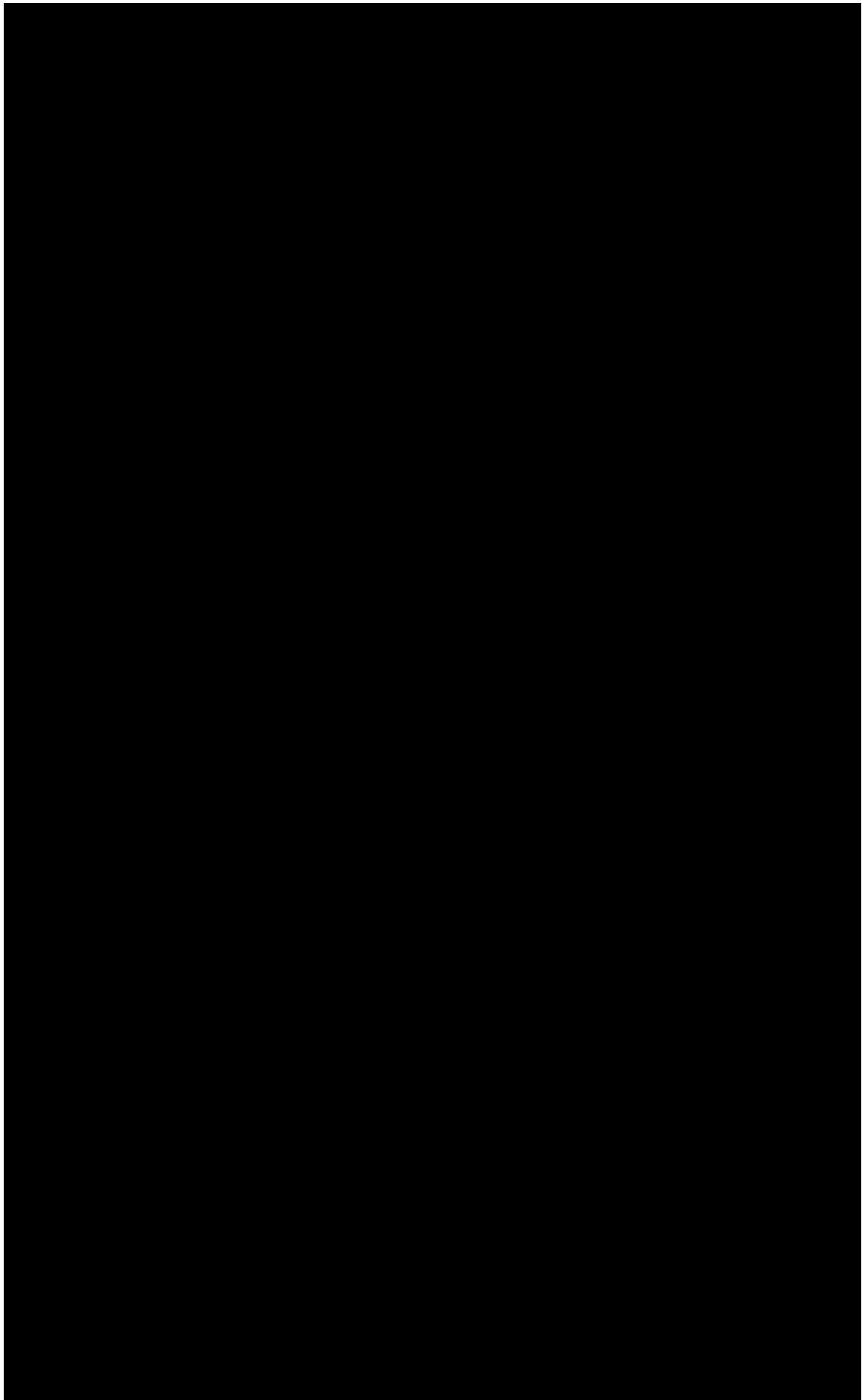
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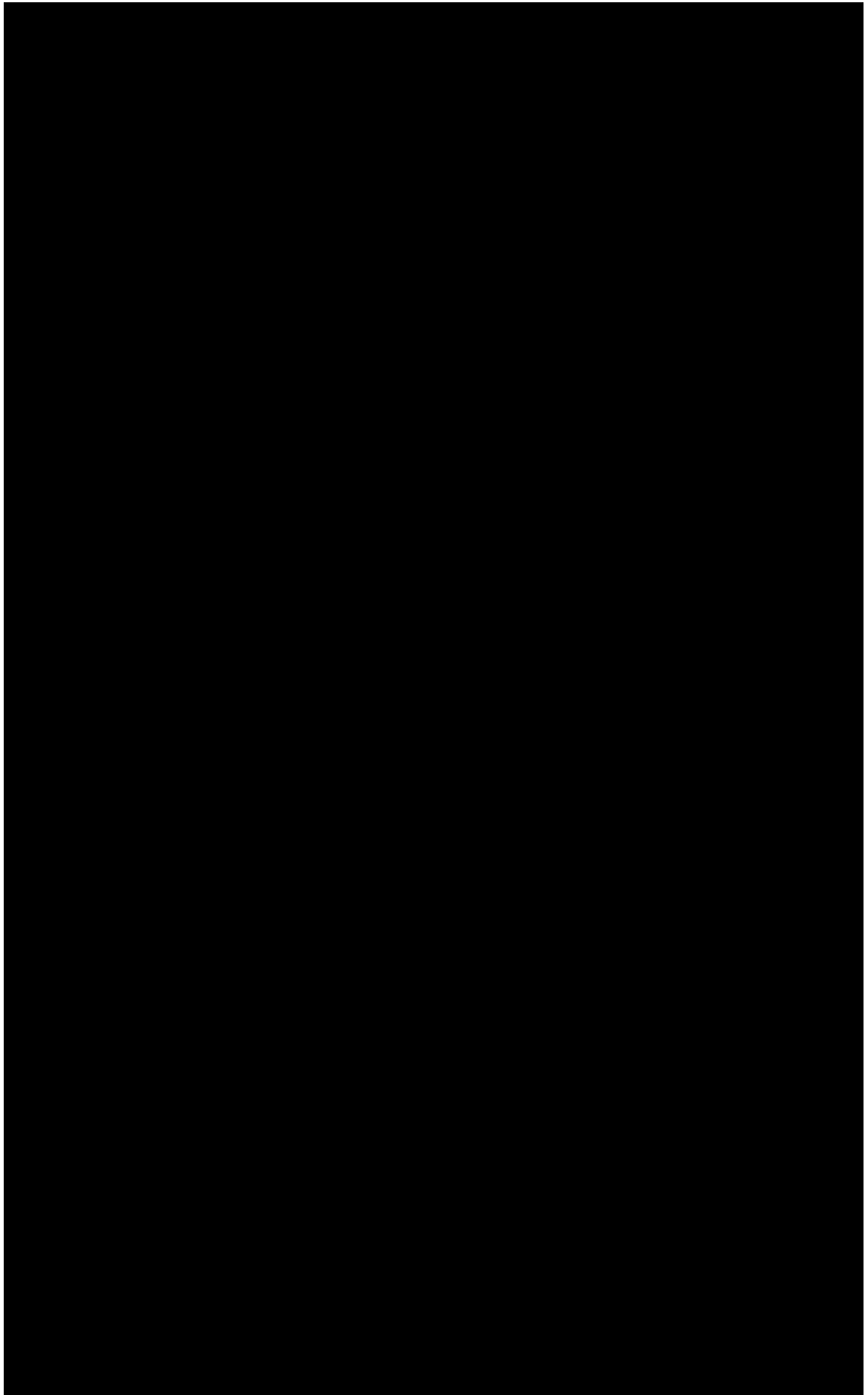
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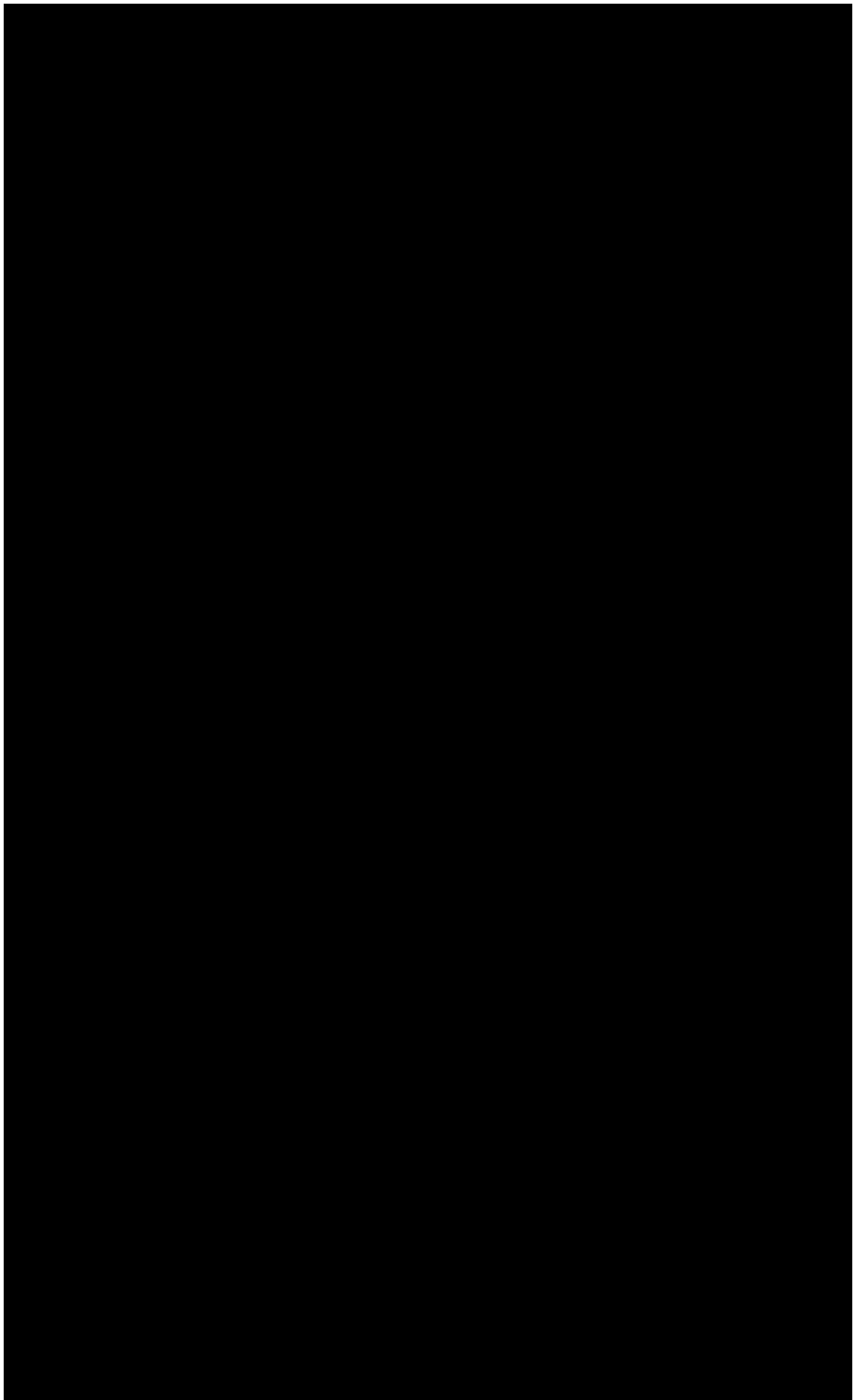
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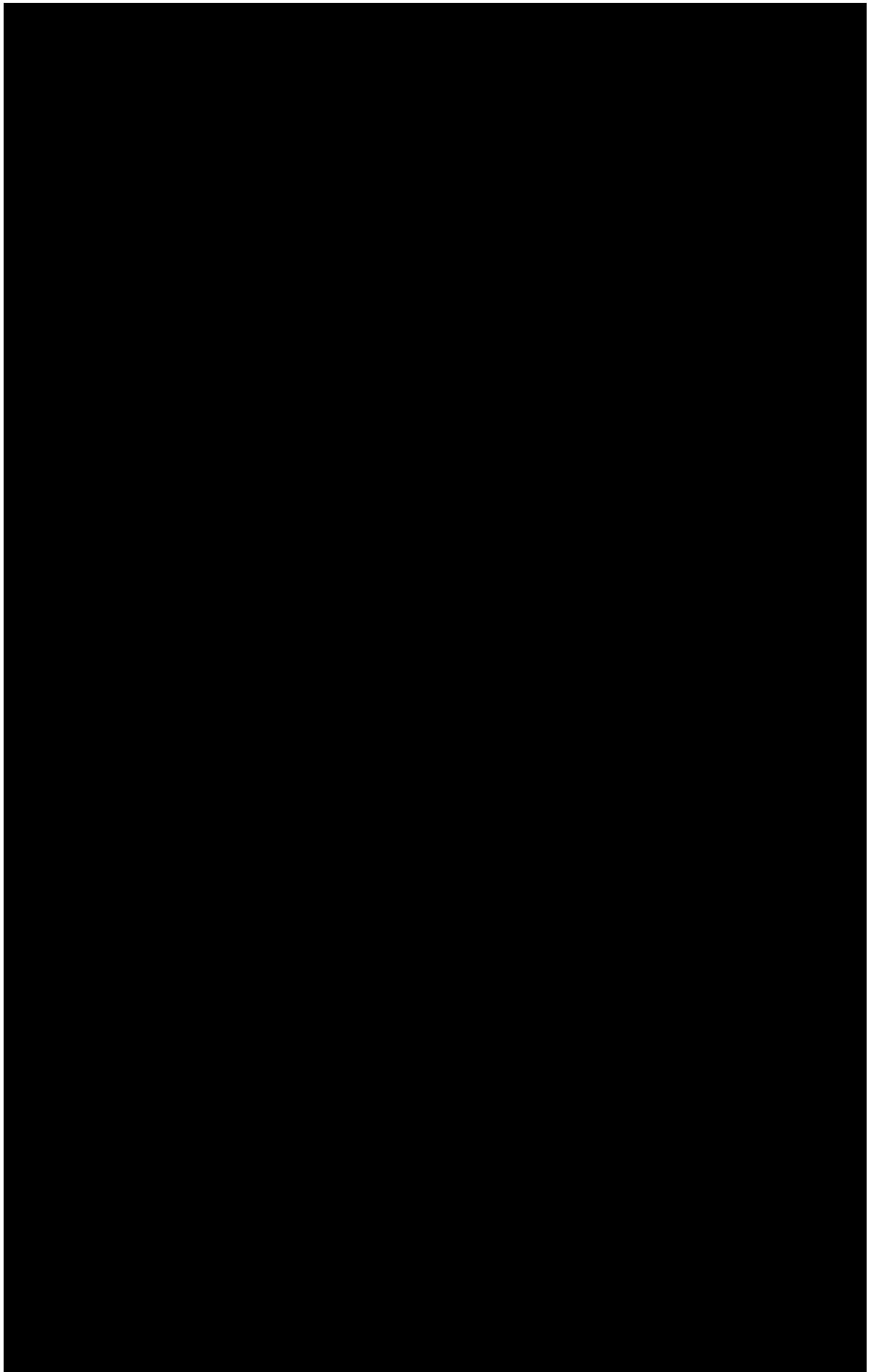
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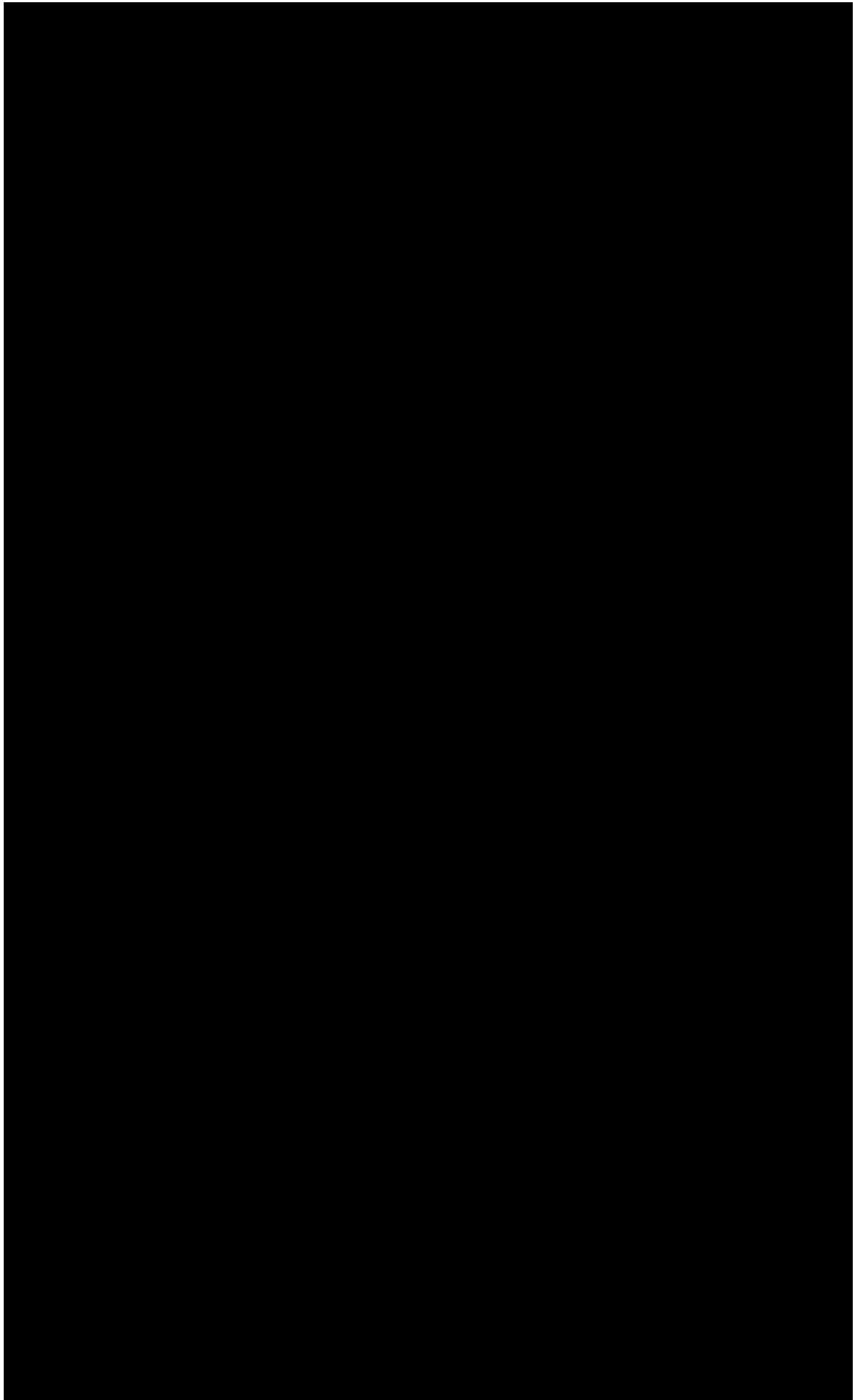
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23 MR. BAKER: We're going to take a break
24 for lunch.

1 THE VIDEOGRAPHER: The time is

2 12:45 p.m. We're going off the record.

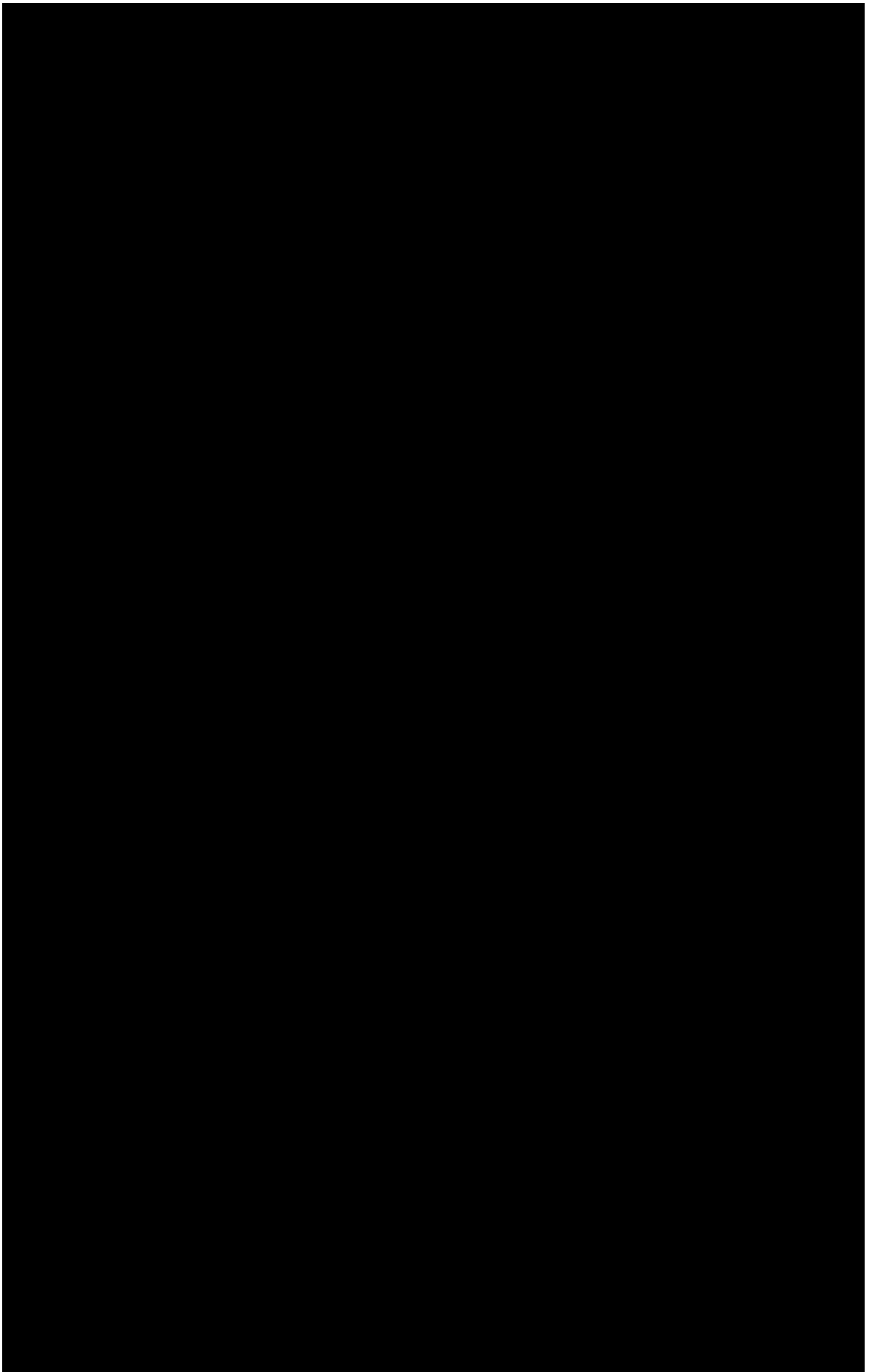
3 (Lunch recess.)

4 THE VIDEOGRAPHER: The time is 1:29

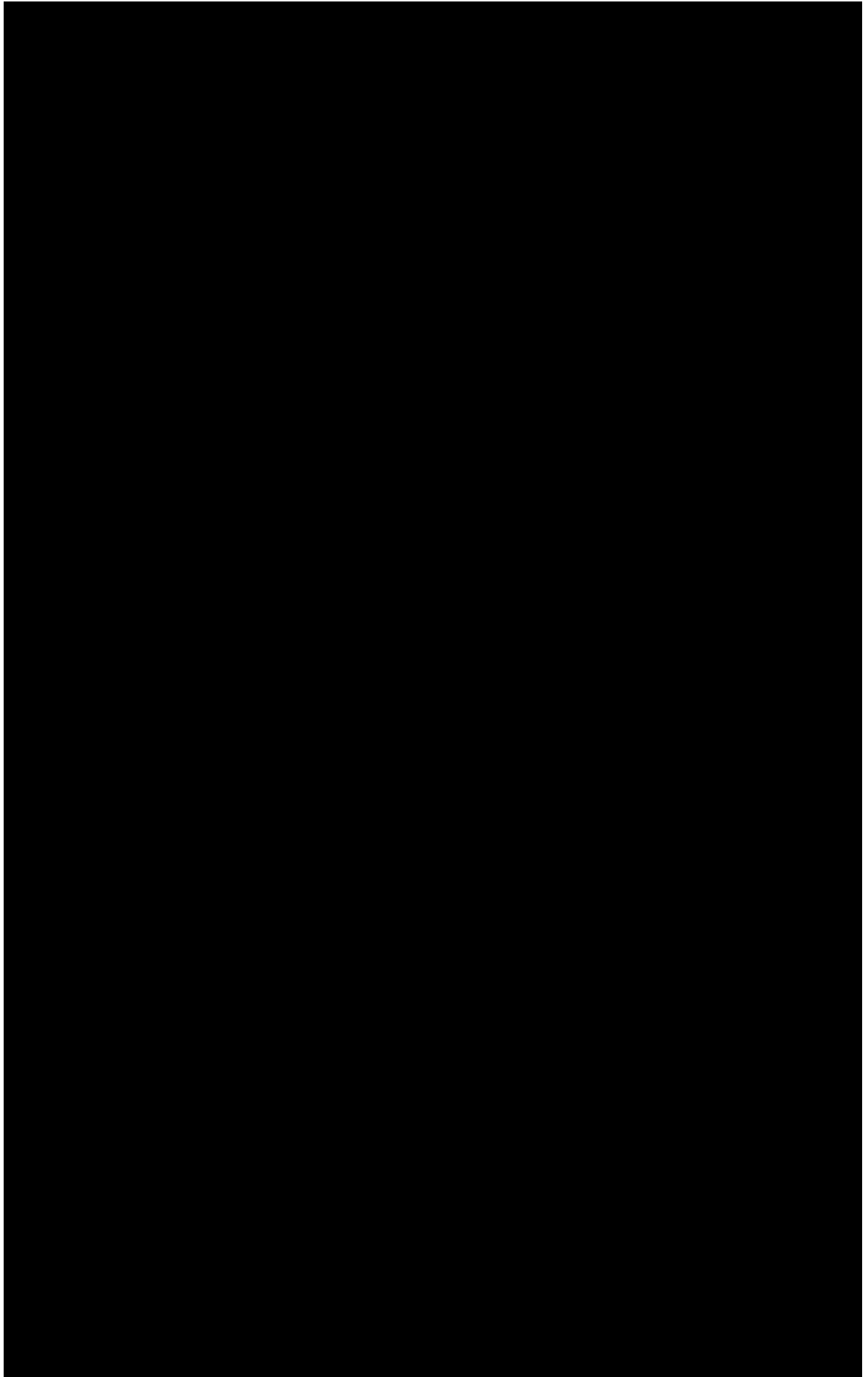
5 p.m., and we're back on the record.

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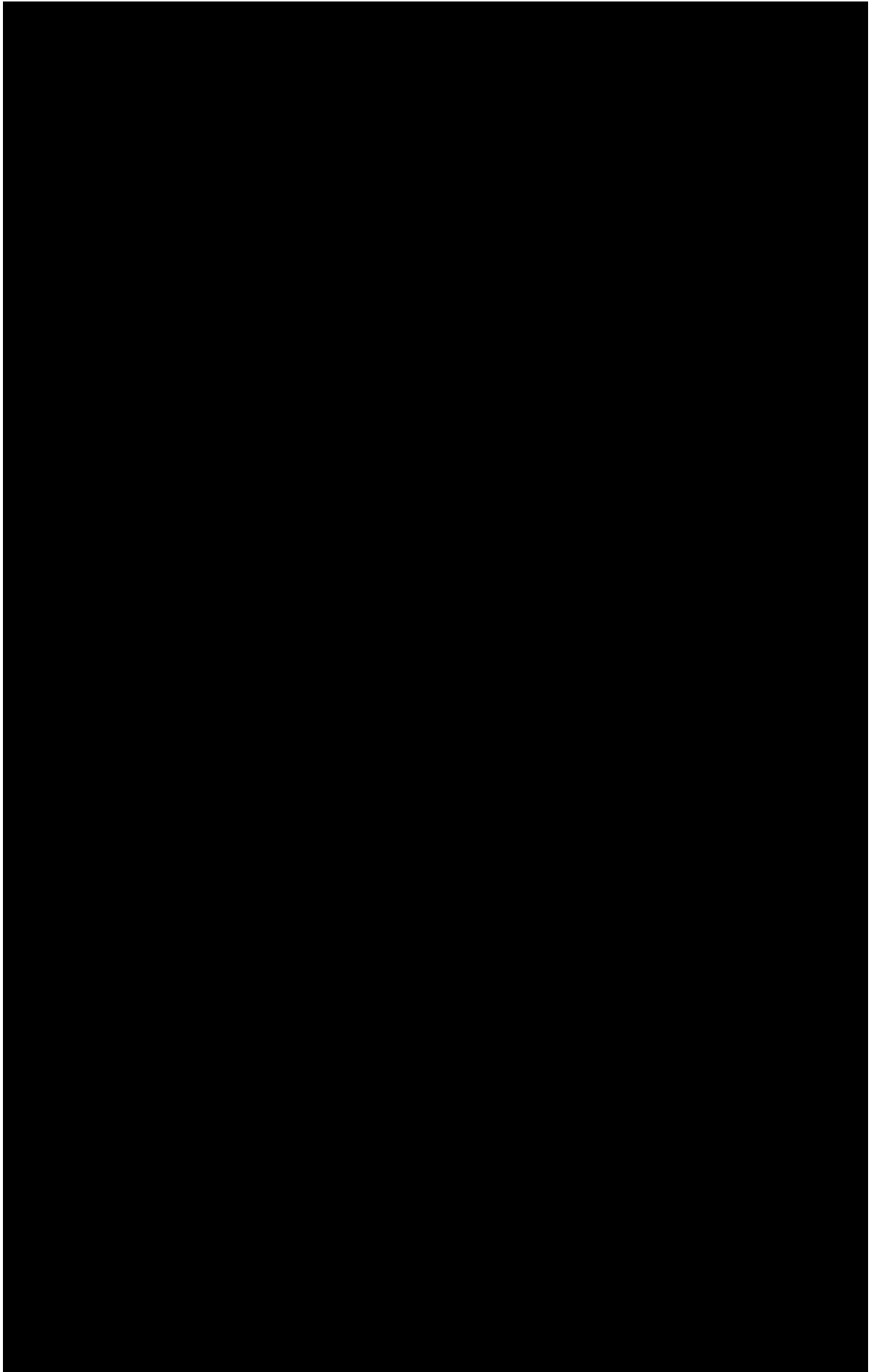
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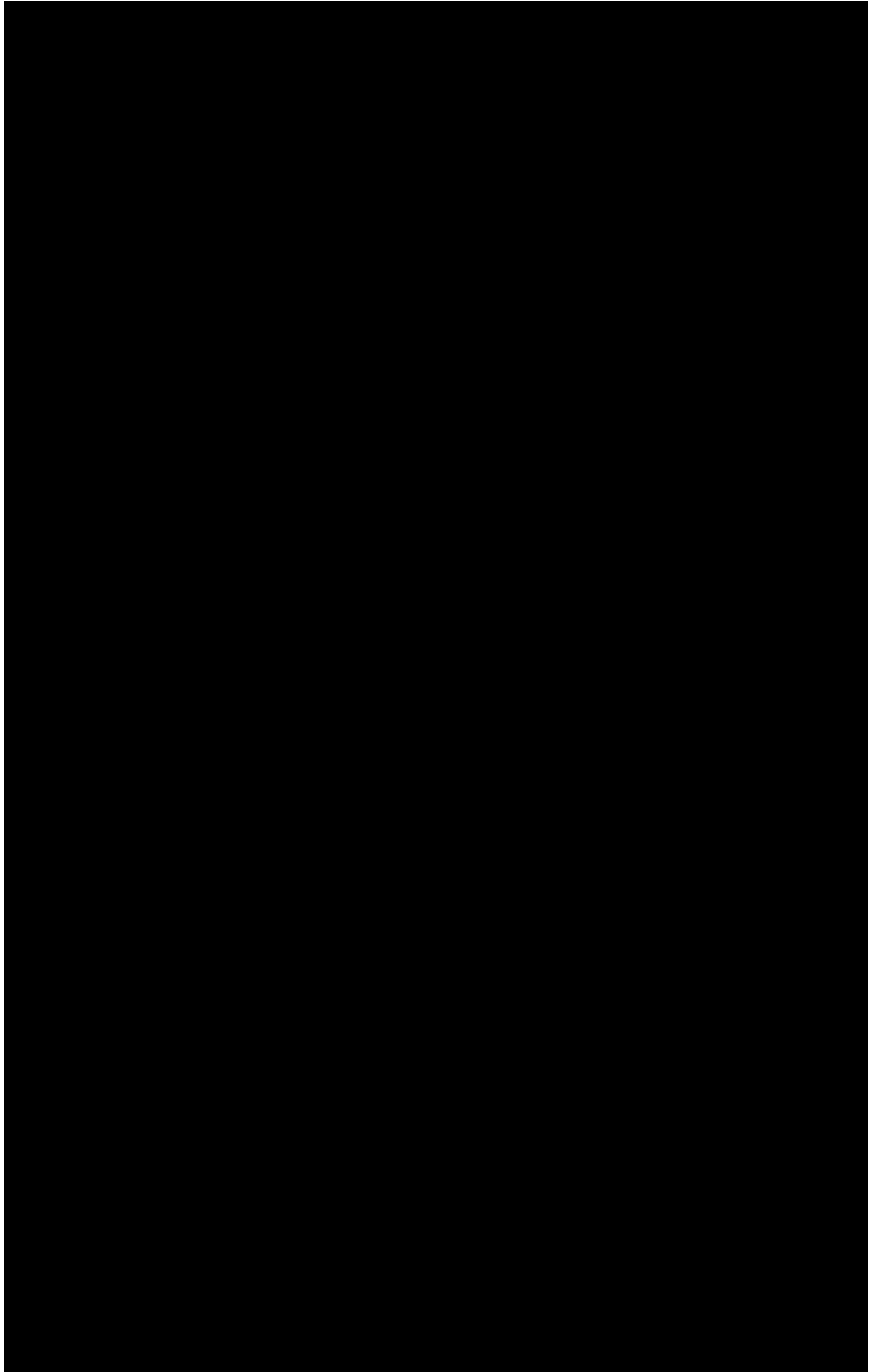
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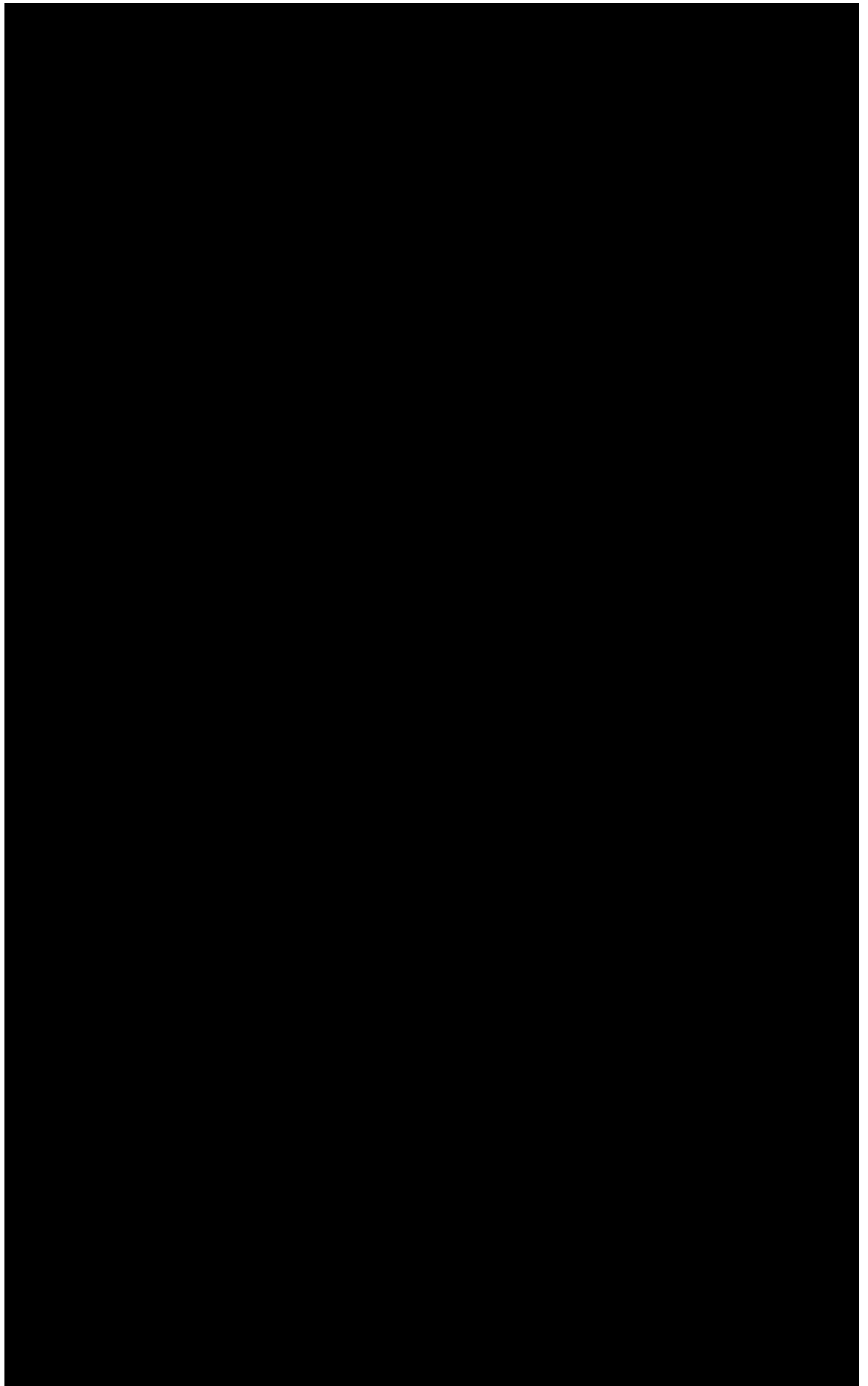
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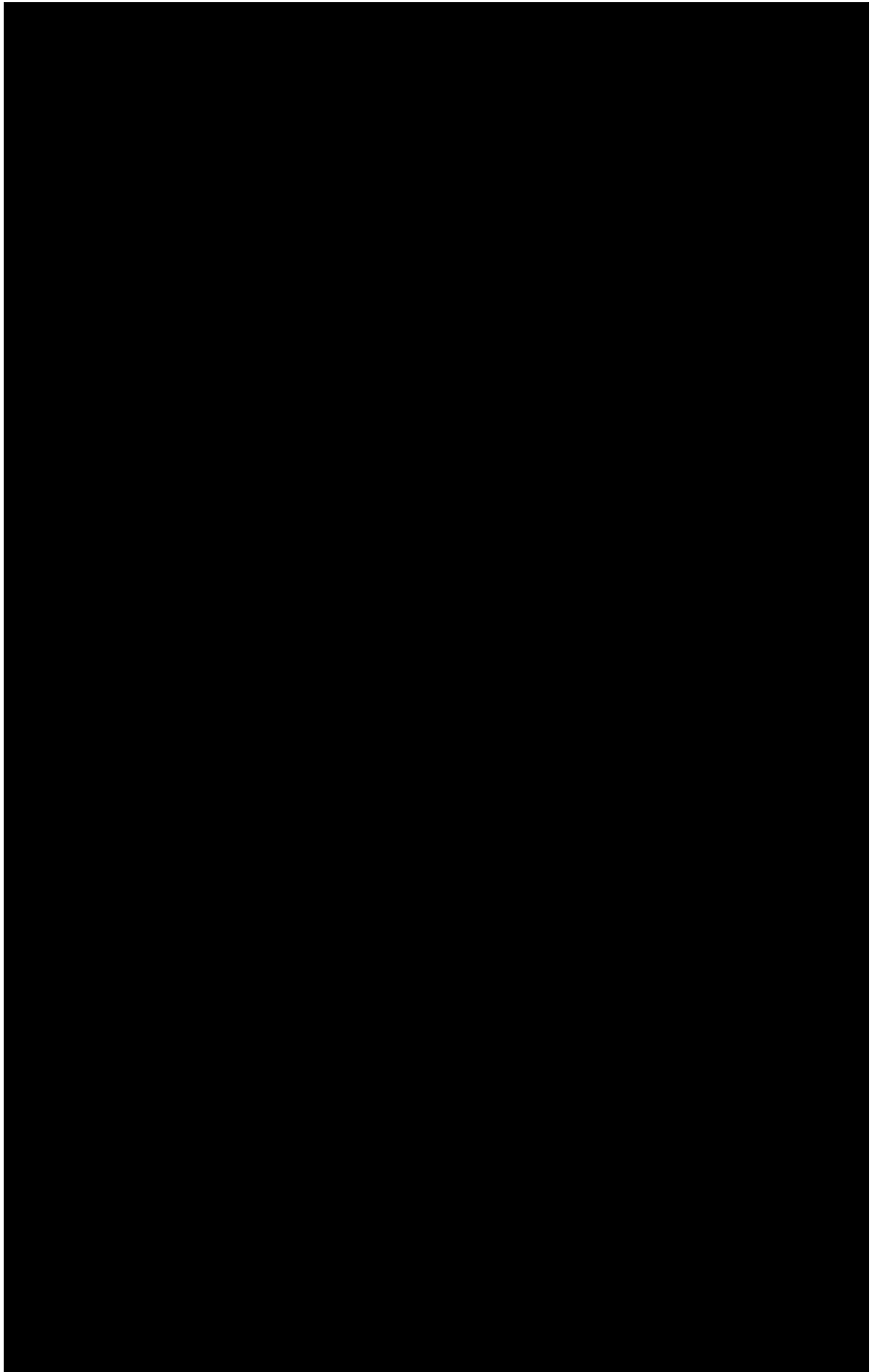
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1 a new exhibit.

2 (Exhibit No. 513 was premarked for
3 identification.)

4 MS. MILLER: It's a new exhibit.

5 THE WITNESS: Oh, okay.

6 BY MR. BAKER:

7 Q All right. Do you recognize this -- at
8 the top it says: "Item Review Report, Control
9 Drugs," and it's the first page of an item review
10 report, 3/25/2011, with the grid sheet.

11 Do you recognize this to be something
12 that you're familiar with?

13 A Yes, sir.

14 MS. MILLER: Object to form. Object
15 to the --

16 THE WITNESS: I've seen this.

17 MR. BAKER: She said yes.

18 MS. MILLER: -- incomplete exhibit.

19 MR. BAKER: She said yes.

20 BY MR. BAKER:

21 Q All right. So this would appear on the
22 front of all the IRRs, right?

23 MS. MILLER: Object to form.

24 THE WITNESS: Yes. This would be

1 what -- would be familiar to me.

2 BY MR. BAKER:

3 Q Okay. Look at those attributes in the
4 left-hand column. Do you see those attributes?

5 A I do, sir.

6 Q Okay. Do you know what a PZ score range
7 is?

8 A Today I do not. At that time I don't --
9 I don't know -- I mean, I just don't know what it
10 is, sir.

11 Q Okay. Did you know at the time that you
12 were the suspicious order monitoring manager?

13 A At the time I don't know. I don't know
14 if I did or not, sir.

15 Q All right. And you see there at the
16 bottom where it says "Score." Do you see that?

17 A Yes, sir.

18 Q All right. And then just to the right,
19 "Description." It says: "Score decides if an
20 order is suspicious or not. If it is greater than
21 a threshold value (currently .15), the order
22 is" -- and then go to the next page -- "flagged as
23 suspicious."

24 Is that what the document says?

1 A That is what the document says, sir.

2 MR. BAKER: Okay. Go back to the prior
3 page where it said "Score." All right. And go
4 all the way over to that -- yeah, go to the box
5 that says -- just flag it all the way across,
6 "Score decides," et cetera. Okay.

7 BY MR. BAKER:

8 Q It says: "Score decides if an order is
9 suspicious or not. If it is greater than a
10 threshold value (currently .15), the order is
11 flagged as suspicious." Correct?

12 MS. MILLER: Object to form.

13 BY MR. BAKER:

14 Q Right?

15 A That's what the --

16 MS. MILLER: Object to form.

17 BY MR. BAKER:

18 Q Okay. And then the next --

19 MS. MILLER: Can you let her finish.
20 What were you --

21 BY MR. BAKER:

22 Q I'm sorry, were you finished?

23 A That was just what the document states,
24 sir.

1 Q Right. Okay. I thought I did. If I
2 don't let you finish, please tell me to -- please
3 hold your hand up and ask me to let you finish,
4 because I'll be glad to let you finish as long as
5 you're answering the question. Okay?

6 A Yes, sir.

7 Q All right. So the next one says,
8 "Possible Values." It says: "Score is a combined
9 result of all the above factors based on their
10 values and weights." Correct?

11 MS. MILLER: Object to form.

12 BY MR. BAKER:

13 Q That's what it says, right?

14 A That's what it says on the doc, yes.

15 Q And all the above values -- if you -- if
16 you take all the above values on those attributes
17 that we're talking about, we're talking about the
18 PZ score, the PZ -- you understand all those
19 attributes on the left side are scored and that
20 the total score is at the bottom? Do you
21 understand that?

22 MS. MILLER: Object to form.

23 THE WITNESS: Sir, I -- I'm -- I've seen
24 this doc. I'm familiar with the doc, but I can't

1 speak to all of the intricates. I mean, I see
2 what it's saying there, but I just can't speak to
3 all of it.

4 BY MR. BAKER:

5 Q Sure. All right. So it says in the
6 next column, "Interpretation." "Higher the score,
7 more suspicious is the order." Correct?

8 MS. MILLER: Object to form.

9 THE WITNESS: That's what it states in
10 the document.

11 BY MR. BAKER:

12 Q Okay. Even though over there in the
13 left-hand column where it says: "Score decides if
14 an order is suspicious or not. If it's -- if it
15 is a great -- if it is a -- if it is greater than
16 a threshold value (currently .15), the order
17 is" -- go to the next page -- "the order is
18 flagged as suspicious."

19 Do you see that?

20 A I do see it states that there.

21 Q All right. Go back to the previous
22 page. Even though it says that, if you go over to
23 the right, you see that .65 there?

24 A I do see that.

1 Q Okay. All right.

2 MR. BAKER: Let's see the whole document
3 now.

4 BY MR. BAKER:

5 Q It says the "Model Weight" -- see up at
6 the top right, "Model Weight"?

7 The model weight, and then go down to
8 the bottom, ".65." Do you see that?

9 A I do see where it states that, sir.

10 Q Okay. Was this suspicious order
11 monitoring algorithm system that was delivered by
12 the Buzzeo company, was it somehow changed to
13 where the score would only flag an order at .65 as
14 opposed to .15?

15 MS. MILLER: Object to form.

16 THE WITNESS: Sir, I'm not aware of
17 that. I -- I'm not familiar with that at all,
18 sir. I can't tell you.

19 BY MR. BAKER:

20 Q If somebody had done that, and you're
21 the suspicious order monitoring manager, is that
22 something that you would want to know as a quality
23 control person in the suspicious order monitoring
24 department?

1 MS. MILLER: Object to form.

2 THE WITNESS: There would have been --
3 there are experts with the data that was pulled
4 together on this. I would not be an expert on
5 this particular subject, sir.

6 BY MR. BAKER:

7 Q What I'm asking is, if somebody changed
8 the program to where it would only flag an order
9 to .65, and yet the program description said, "The
10 score decides if an order is suspicious or not.
11 If it is greater than threshold -- if it is
12 greater than a threshold value (currently .15),
13 the order is considered suspicious," and somebody
14 raised that score internally within the program
15 to .65, as a quality control person working for
16 CVS in the suspicious order monitoring program and
17 charged with reviewing the IRRs and managing the
18 people that review the IRRs, is this something
19 that you would have wanted to know?

20 MS. MILLER: Object to form.

21 THE WITNESS: Sir, the -- the program
22 itself is -- I would -- we would rely on the
23 experts to put that information together. I don't
24 know what all of these -- or remember all of these

1 elements. I don't know what these are all
2 indicating. So I -- I -- there's experts that
3 would -- I would rely on to understand the things
4 that would go into that program for us to get
5 reports for us to review.

6 BY MR. BAKER:

7 Q Okay. Let's see if we can pull up the
8 SOP. Let's go to the Exhibit 512, please.

9 (Exhibit No. 512 was premarked for
10 identification.)

11 MS. MILLER: Is that a new exhibit or --

12 MR. BAKER: SOP. Hold on just one
13 second.

14 BY MR. BAKER:

15 Q Now, you took over the program, the
16 suspicious order monitoring program in Knoxville
17 on or around March of 2011, to the best of your
18 recollection; is that correct?

19 A Sometime in 2011, early 2011, yes, sir.

20 Q All right. And CVS had what's called
21 standard operating procedures that were in place
22 for the purpose of determining how things should
23 be run within CVS, correct?

24 MS. MILLER: Object to form.

1 THE WITNESS: There are standard
2 operating procedures, yes, sir, in place.

3 BY MR. BAKER:

4 Q Okay. And the standard operating
5 procedure we're looking at was revised on 3/11/11,
6 correct?

7 MS. MILLER: Object to form.

8 THE WITNESS: That's what this document
9 states, sir, yes.

10 BY MR. BAKER:

11 Q So when you took over as a suspicious
12 order monitoring manager in Knoxville on or about
13 March of 2011, to the best of your recollection,
14 this would have been the SOP in place at that
15 time. Is that right?

16 MS. MILLER: Object to form.

17 You want to take a moment to look at it?

18 THE WITNESS: (Peruses document.)

19 Based on the date, yes, sir, I would say
20 this is -- this is the --

21 BY MR. BAKER:

22 Q All right. So do you remember when I
23 showed you Exhibit No. 500, do you remember the
24 paragraph that says that: "Title 21 CFR 1301.74

1 specifically requires that a registrant design and
2 operate a system to disclose to the registrant
3 suspicious of controlled substances"? Do you
4 remember that?

5 MS. MILLER: You can look at the -- you
6 can look at the exhibit. It's exhibit --

7 MR. BAKER: It's Exhibit 500.

8 THE WITNESS: Okay. (Peruses document.)

9 BY MR. BAKER:

10 Q Yes, ma'am. Do you remember that?

11 MS. MILLER: Object to form.

12 THE WITNESS: I do remember you showing
13 me this, sir.

14 BY MR. BAKER:

15 Q Okay. And -- and you did get this
16 document back in 2008; is that right?

17 MS. MILLER: Object to form.

18 BY MR. BAKER:

19 Q To the best of your recollection?

20 A Get the Exhibit --

21 Q This document --

22 A -- 500?

23 Q -- Exhibit 500, yes, ma'am.

24 A Yes, sir.

1 Q And to the best of your recollection,
2 you would have read it; is that right?

3 MS. MILLER: Object to form.

4 THE WITNESS: Yes, sir, I would have
5 read it.

6 BY MR. BAKER:

7 Q Okay. So now let's go back to Exhibit
8 No. 512, and let's go back where it's -- down
9 towards the second paragraph at the bottom, it
10 says "CVS is responsible..."

11 Do you see that?

12 MR. BAKER: Okay. Bold that first
13 sentence if you would.

14 MS. MILLER: Pam, he --

15 THE WITNESS: This one?

16 MS. MILLER: -- is on Exhibit 512 now.

17 MR. BAKER: Yes, this is the SOP.

18 MS. MILLER: Can you direct her where on
19 the hard copy you're looking, Bill?

20 MR. BAKER: Sure.

21 BY MR. BAKER:

22 Q On the first page of the hard copy of
23 Standard Operating Procedures Manual, 3/11/11. Do
24 you see that?

1 A Yes, sir.

2 Q Okay. Do you see where it says -- down
3 to the second or third to last paragraph, it says:
4 "CVS is responsible for ensuring compliance with
5 DEA regulatory requirements, and that
6 responsibility cannot be an abdicated or
7 transferred to anyone else."

8 Do you see that?

9 A I do see where it states that, sir.

10 Q What does the word "abdicated" mean to
11 you?

12 MS. MILLER: Object to form.

13 BY MR. BAKER:

14 Q Do you know?

15 A No, sir, I don't.

16 Q What does "transferred" mean?

17 A Transferred to anyone else.

18 Q Okay. So CVS, according to CVS's own
19 policy, at least -- strike that question.

20 CVS, according to its own standard
21 operating procedures manual, is responsible for
22 ensuring compliance with DEA regulatory
23 requirements, and that responsibility cannot be
24 abdicated or transferred to anyone else, at least

1 according to this document.

2 Is that correct?

3 MS. MILLER: Object to form.

4 THE WITNESS: That's what the document
5 states, yes.

6 MR. BAKER: Let's go to Exhibit 508,
7 please.

8 (Exhibit No. 508 was premarked for
9 identification.)

10 BY MR. BAKER:

11 Q All right. Within the logistics
12 department, are there separate policies and
13 procedures that are published aside from the
14 master policy standard operating procedure manual
15 that is within CVS corporate?

16 MS. MILLER: Object to form.

17 THE WITNESS: The standard operating
18 procedures are for -- you know, each business
19 unit, separate SOPs, but they're all -- they start
20 at the corporate office.

21 BY MR. BAKER:

22 Q Okay. The thick one that we just went
23 through that's dated 3/11/11 -- you know, that we
24 went through the first page that was about 60 or

1 65 pages long?

2 A Yes, sir.

3 Q All right. Is that considered something
4 that's the overall corporate policy and procedure
5 or -- or how does that work?

6 MS. MILLER: Object to form.

7 BY MR. BAKER:

8 Q I know it has separate departments
9 identified within it, but -- do you know what I'm
10 asking?

11 MS. MILLER: Object to form.

12 THE WITNESS: Yes, I -- I believe so.

13 BY MR. BAKER:

14 Q Okay. All right. So when we have a
15 separate type of policy and procedure, such as you
16 see in Exhibit 508 here -- look at the top, it
17 says "Logistics IRR Analyst." Do you see that?

18 A I do see that.

19 Q Okay. How does that get generated as a
20 separate document, separate and apart from the
21 document that I showed you that was dated 3/11/11?

22 MS. MILLER: Object to form.

23 BY MR. BAKER:

24 Q Do you know?

1 MS. MILLER: Object to form.

2 THE WITNESS: I don't know how they
3 differentiate between each of the policies.

4 BY MR. BAKER:

5 Q Okay. Would this effective date of
6 June -- June 28, 2011, that would have been when
7 you were employed at CVS in the SOM department in
8 Nashville; is that correct?

9 MS. MILLER: Object to form.

10 THE WITNESS: I was employed in the
11 Knoxville distribution center, yes, sir.

12 BY MR. BAKER:

13 Q Okay. And review date of March 28,
14 2012, you still would have been employed in
15 Knoxville in the suspicious order monitoring
16 department; is that correct?

17 MS. MILLER: Object to form.

18 THE WITNESS: Yes, sir, I believe I -- I
19 believe so.

20 BY MR. BAKER:

21 Q Okay. And that department was
22 considered logistics; is that right?

23 MS. MILLER: Object to form.

24 BY MR. BAKER:

1 Q It was part of the logistics department?

2 A Yes, sir, it was part of the logistics
3 department.

4 Q And this title of this document is
5 "Logistics IRR Analyst, Suspicious Transactions."
6 Do you see that?

7 MS. MILLER: Object to form.

8 BY MR. BAKER:

9 Q Do you see that?

10 MS. MILLER: I don't see that, Bill.

11 MR. BAKER: Up at the top. Okay. Maybe
12 this one is different -- yeah, this one looks
13 different.

14 MS. MILLER: Yeah.

15 MR. BAKER: I'm sorry.

16 MS. MILLER: Because that's not what --
17 that's not the document we're looking at.

18 MR. BAKER: Is this the 508 -- is that
19 the 508 that you have?

20 Okay, we'll put this under the ELMO
21 then. I'll do it this way.

22 BY MR. BAKER:

23 Q Do you see this -- I have it here on the
24 screen under the ELMO. Do you see where it says

1 "Logistics IRR Analyst - Suspicious Order
2 Monitoring (SOM) Program." Do you see that?

3 A I do see that.

4 Q Okay. And the effective date is
5 June 28, 2011, with last revision date March 28,
6 2012, correct?

7 A I do see that, sir.

8 Q Okay. Do you see where the document is
9 highlighted where it says "Thresholds" right here
10 where I'm drawing that line? Do you see that?

11 A I do, sir.

12 Q It says: "CVS has established
13 thresholds that restrict the amount of Control
14 Drugs, PSE, and other List I chemicals that can be
15 ordered by each store within a specific time
16 frame. These thresholds and subsequent analysis
17 of irregular activity are the primary tools to
18 stop suspicious orders of common drugs -- of
19 Control Drugs, PSE, and other List I chemicals.
20 These thresholds and in-depth order analysis are
21 based on historical trends of sales, individual
22 store ordering patterns, and other suspicious
23 order prevention methods."

24 Is that what the document says so far?

1 A It is what the document states.

2 Q Then it goes on to state, and I would
3 like to bold this, it says: "Stores may not order
4 more than the threshold amount, and the DC may not
5 ship amounts that exceed these thresholds."

6 Is that what the document says?

7 MS. MILLER: Object to form.

8 THE WITNESS: That's what the document
9 indicated, yes, sir.

10 BY MR. BAKER:

11 Q Okay. And would this document have
12 governed your department during the period of time
13 that this particular policy and procedure was in
14 effect at CVS in the logistics department as it
15 related to suspicious order monitoring and the SOM
16 program?

17 MS. MILLER: Object to form.

18 THE WITNESS: I don't recall the actual
19 document, but they -- we had procedures in place
20 that -- what we would follow.

21 BY MR. BAKER:

22 Q And was this one of them?

23 MS. MILLER: Object to form.

24 THE WITNESS: I do believe that there

1 are thresholds, sir.

2 BY MR. BAKER:

3 Q Was this the policy in effect during
4 that time frame that was -- was for the purpose of
5 something that was to be followed in the
6 "Logistics IRR Analyst, Suspicious Order
7 Monitoring Program"?

8 MS. MILLER: Object to form.

9 THE WITNESS: Based on the dates, it --
10 of this document, I just don't recall this actual
11 document because of the years passed, but it
12 appears to be a document that we would have used.

13 BY MR. BAKER:

14 Q Okay. And again, when you were talking
15 about thresholds, the threshold that we were
16 talking about under the suspicious order
17 monitoring system that was developed by the Buzzeo
18 company, do you recall that to be .15 from the
19 document I showed you?

20 MS. MILLER: Object to form.

21 BY MR. BAKER:

22 Q Do you remember that, ma'am?

23 MS. MILLER: Object to form.

24 THE WITNESS: I don't -- I don't know

1 what the algorithms were. I don't remember that
2 piece.

3 BY MR. BAKER:

4 Q Okay. Let's see if I can refresh your
5 recollection. Let's go back to that piece. And
6 that piece is 513.

7 And down at the bottom where it says,
8 "Score" -- do you see the "Score"? Where it says,
9 "Score decides if an order is suspicious or not"?

10 MS. MILLER: Object to form.

11 BY MR. BAKER:

12 Q Do you see that?

13 MS. MILLER: Object to form.

14 BY MR. BAKER:

15 Q Does this refresh your recollection,
16 this document, what I'm showing you?

17 A This document --

18 MS. MILLER: Object to form.

19 THE WITNESS: -- I see what it states.

20 BY MR. BAKER:

21 Q Does that refresh your recollection as
22 to what the document shows, having the document in
23 front of you?

24 A Yes, that it states the .15.

1 Q Right. And it says: "If it's greater
2 than a threshold value (currently .15), the order
3 is," then go to the next page, "flagged as
4 suspicious."

5 Is that what the document says?

6 MS. MILLER: Object to form.

7 THE WITNESS: That's what the document
8 states, sir.

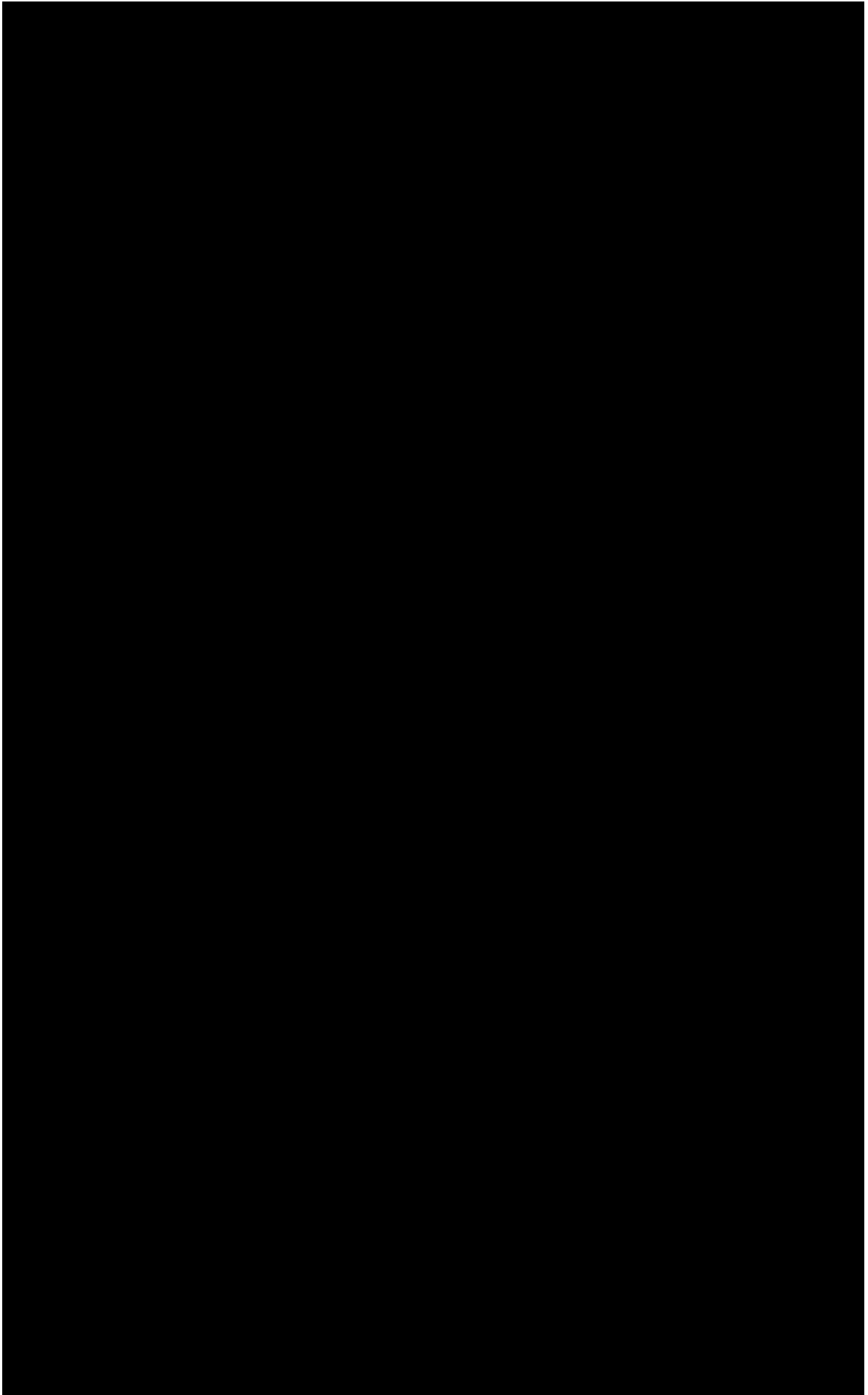
9 BY MR. BAKER:

10 Q All right. The purpose of thresholds is
11 so that there can be some sort of way to measure
12 whether or not an order is considered to be
13 suspicious, correct?

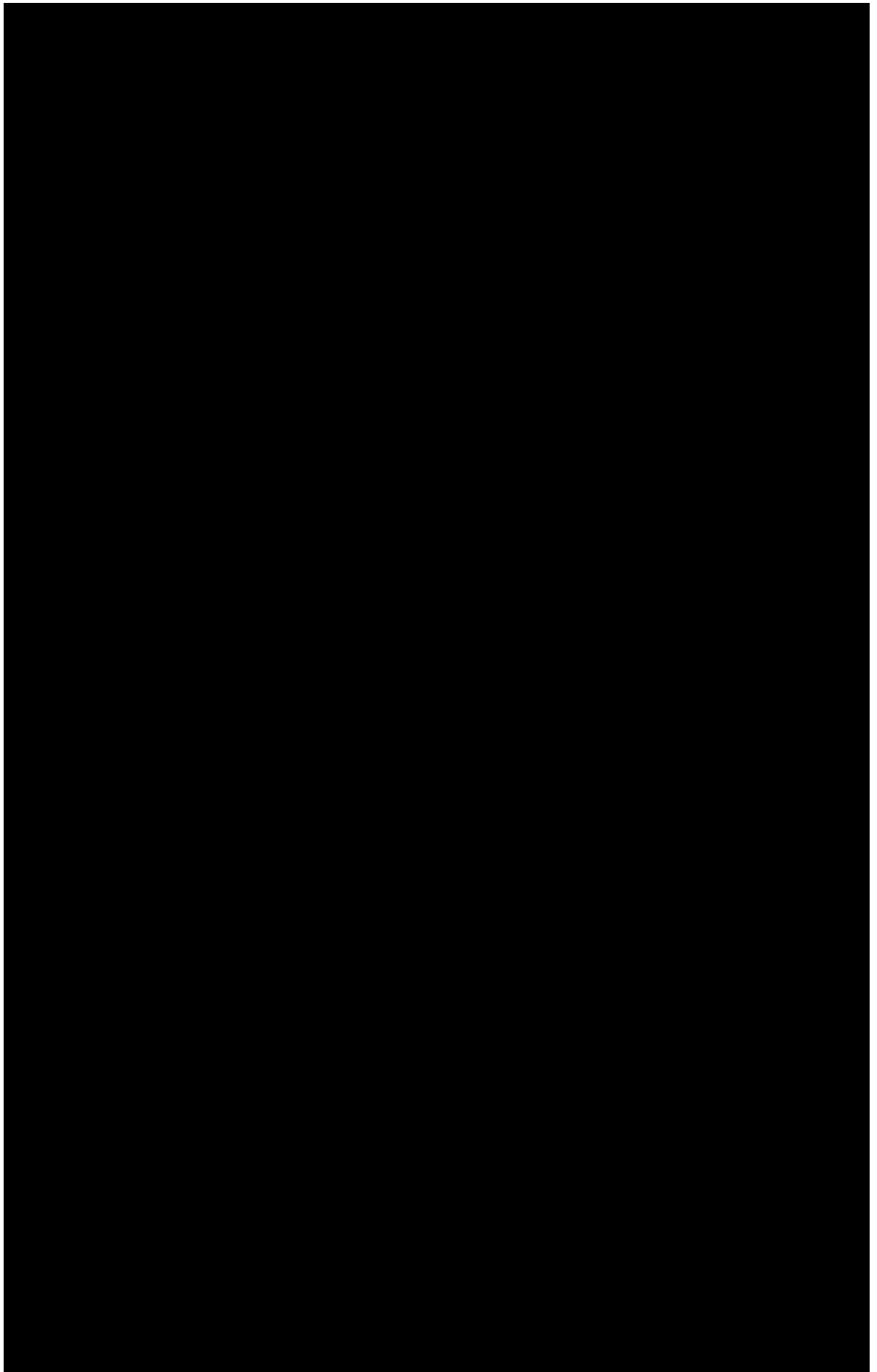
14 MS. MILLER: Object to form.

15 THE WITNESS: There's a -- CVS uses
16 thresholds as far as -- and this is, again, just
17 on what I know as a threshold and ways --
18 different ways as far as the thresholds for a
19 specific drug. I do -- I mean, I remember the --
20 the threshold -- I mean, the -- the name
21 threshold. I know that it was -- it's
22 something with -- in our -- the systems that they
23 use thresholds, but I don't know the exacts around
24 the thresholds and how they're all -- how it's

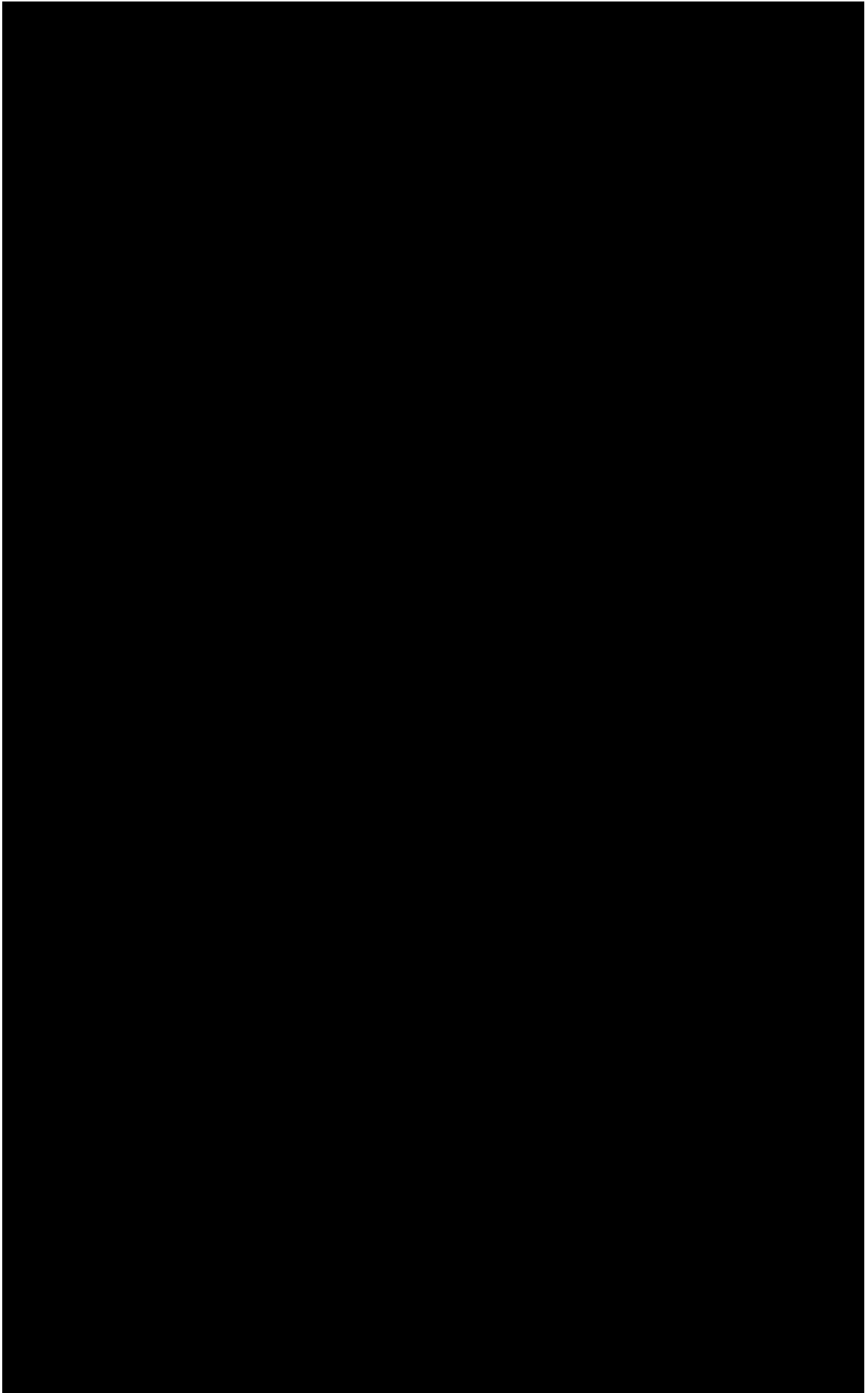
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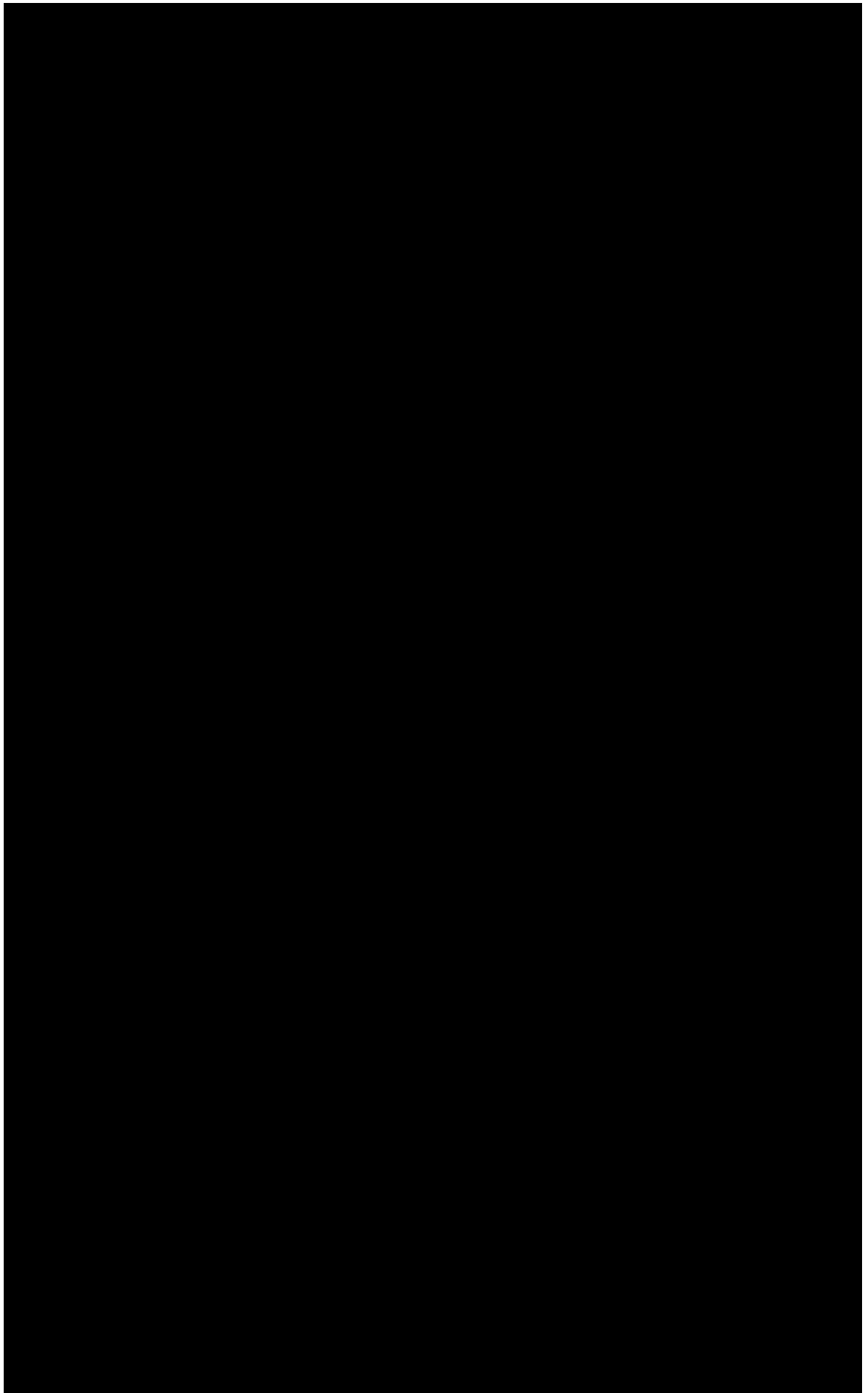
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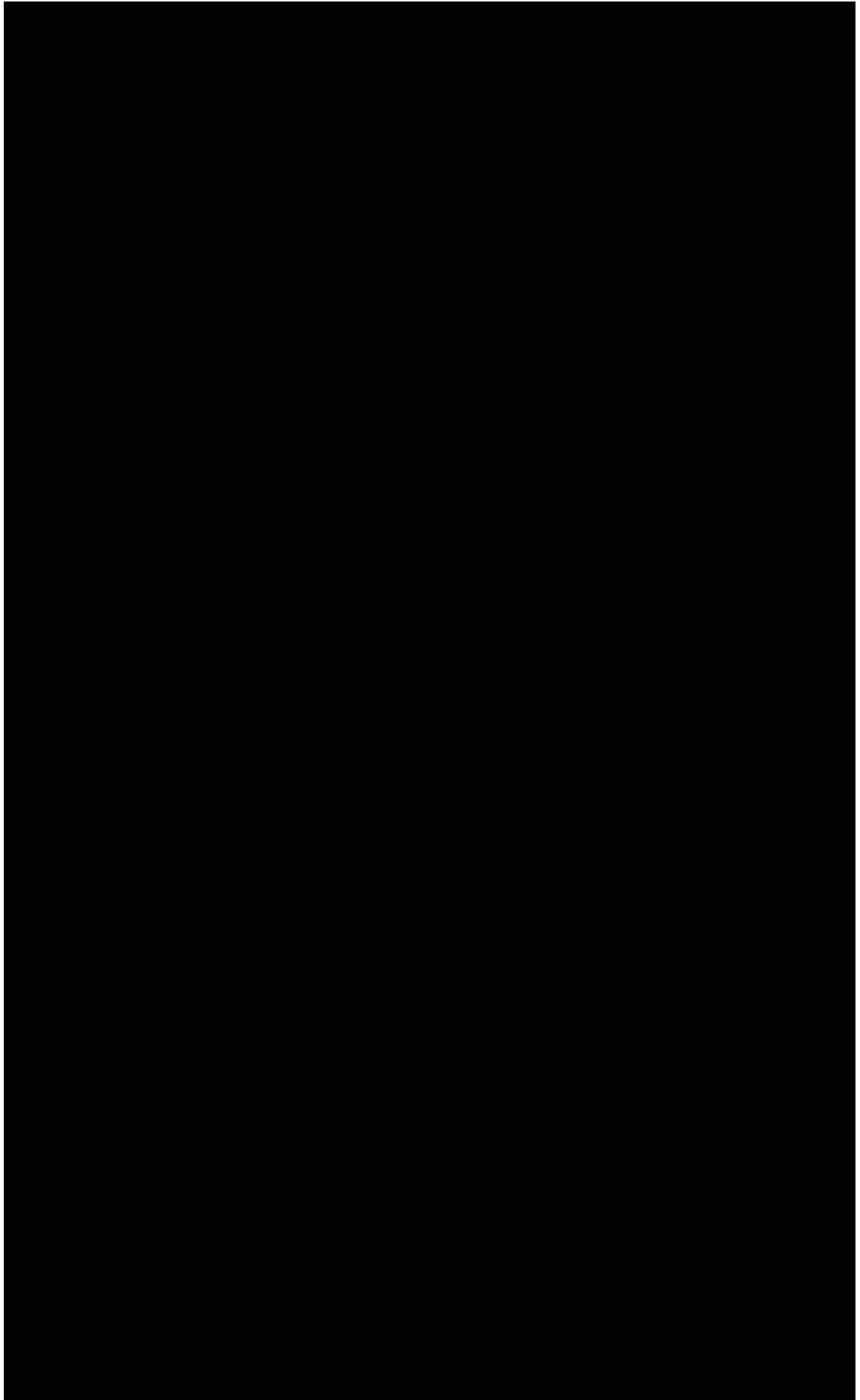
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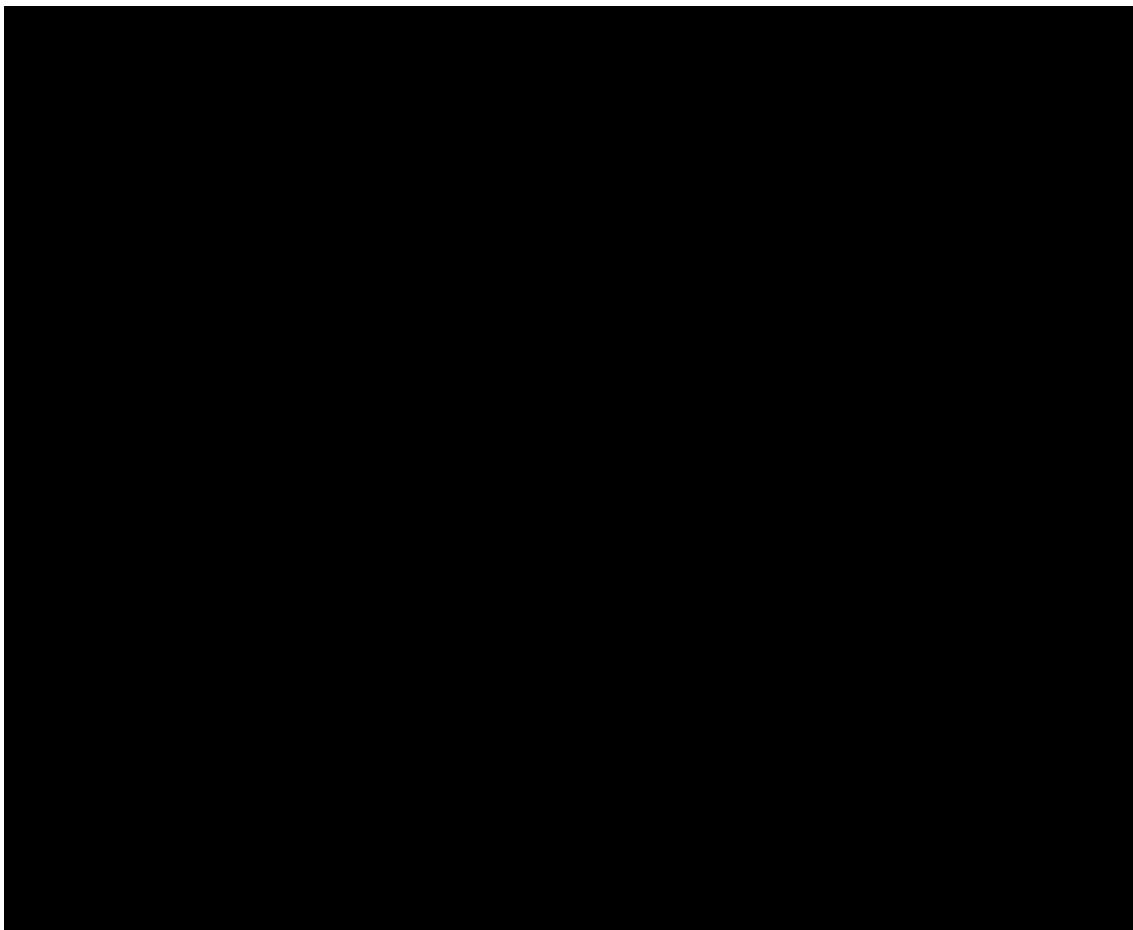
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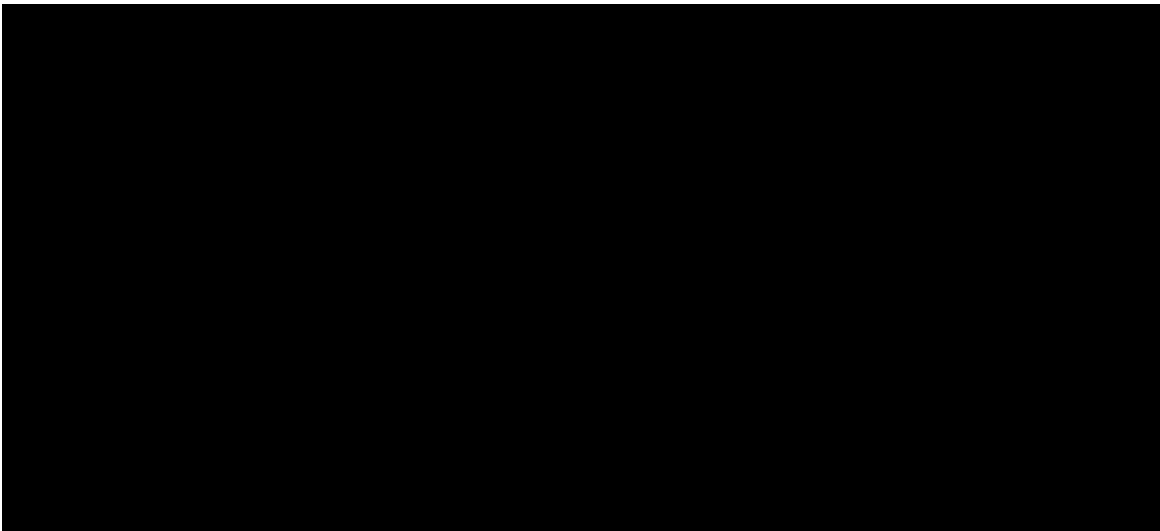
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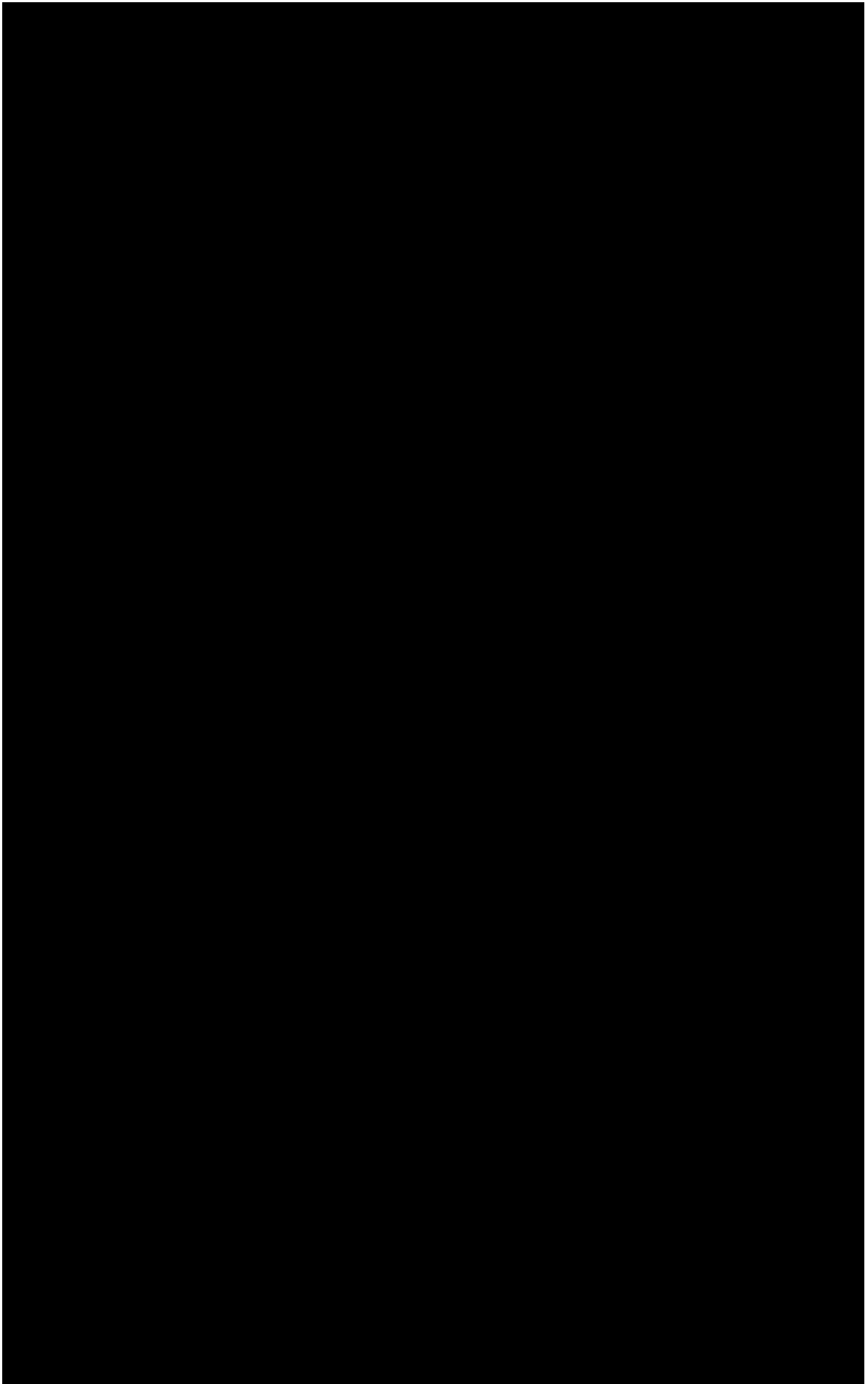
THE VIDEOGRAPHER: The time is 2:03 p.m.
We're going off the record.

(Pause.)

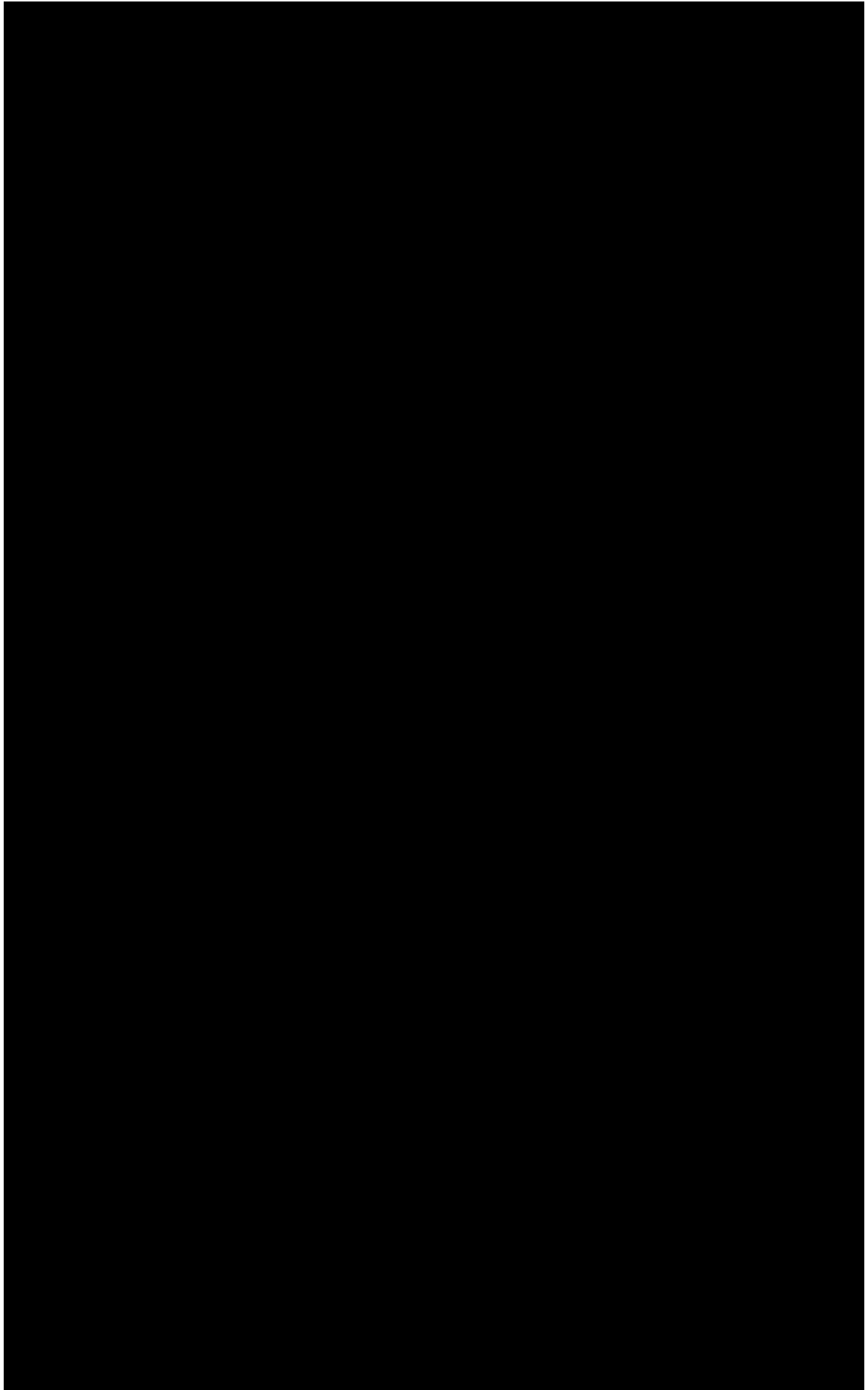
THE VIDEOGRAPHER: The time is 2:04 p.m.
We're back on the record.



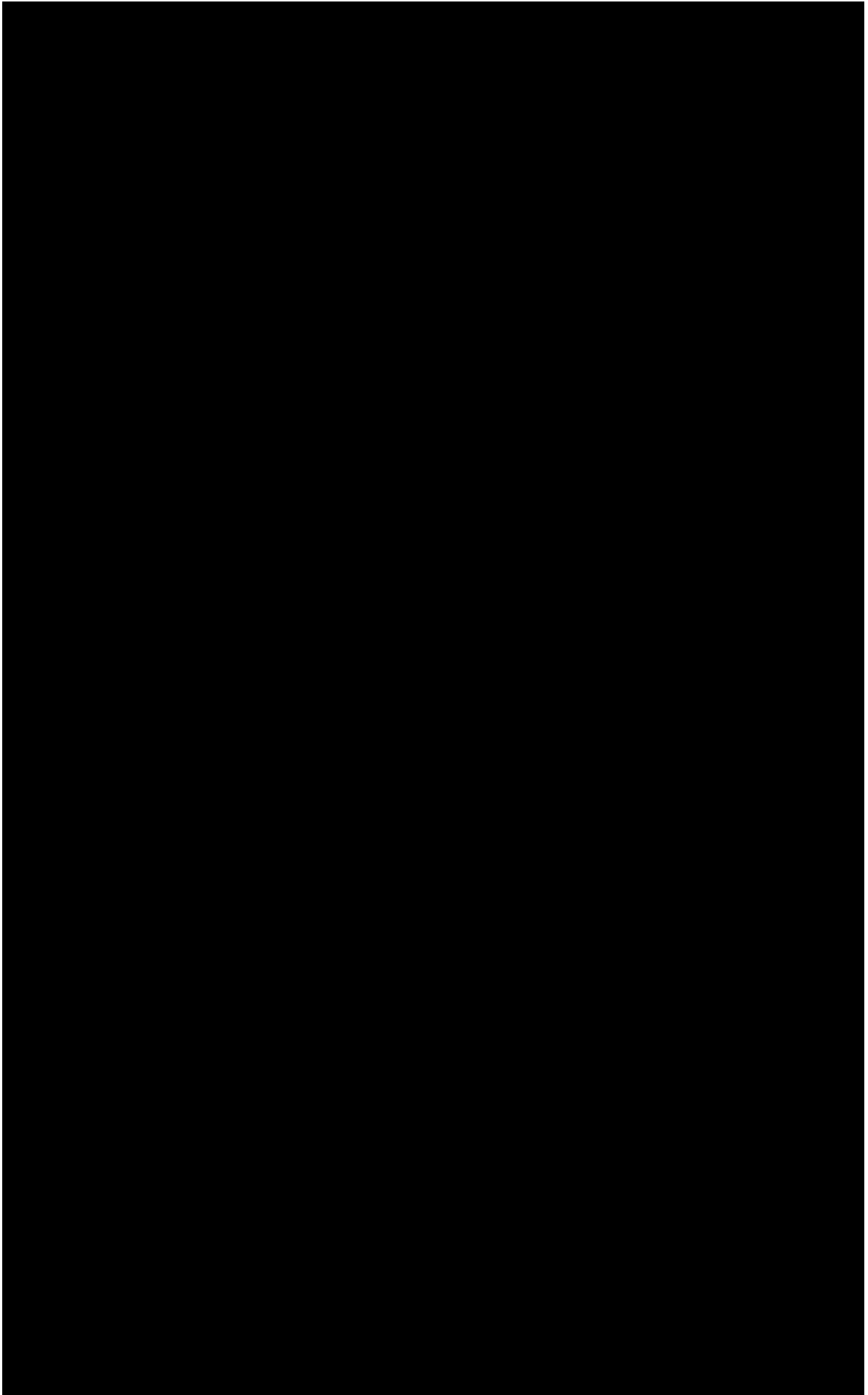
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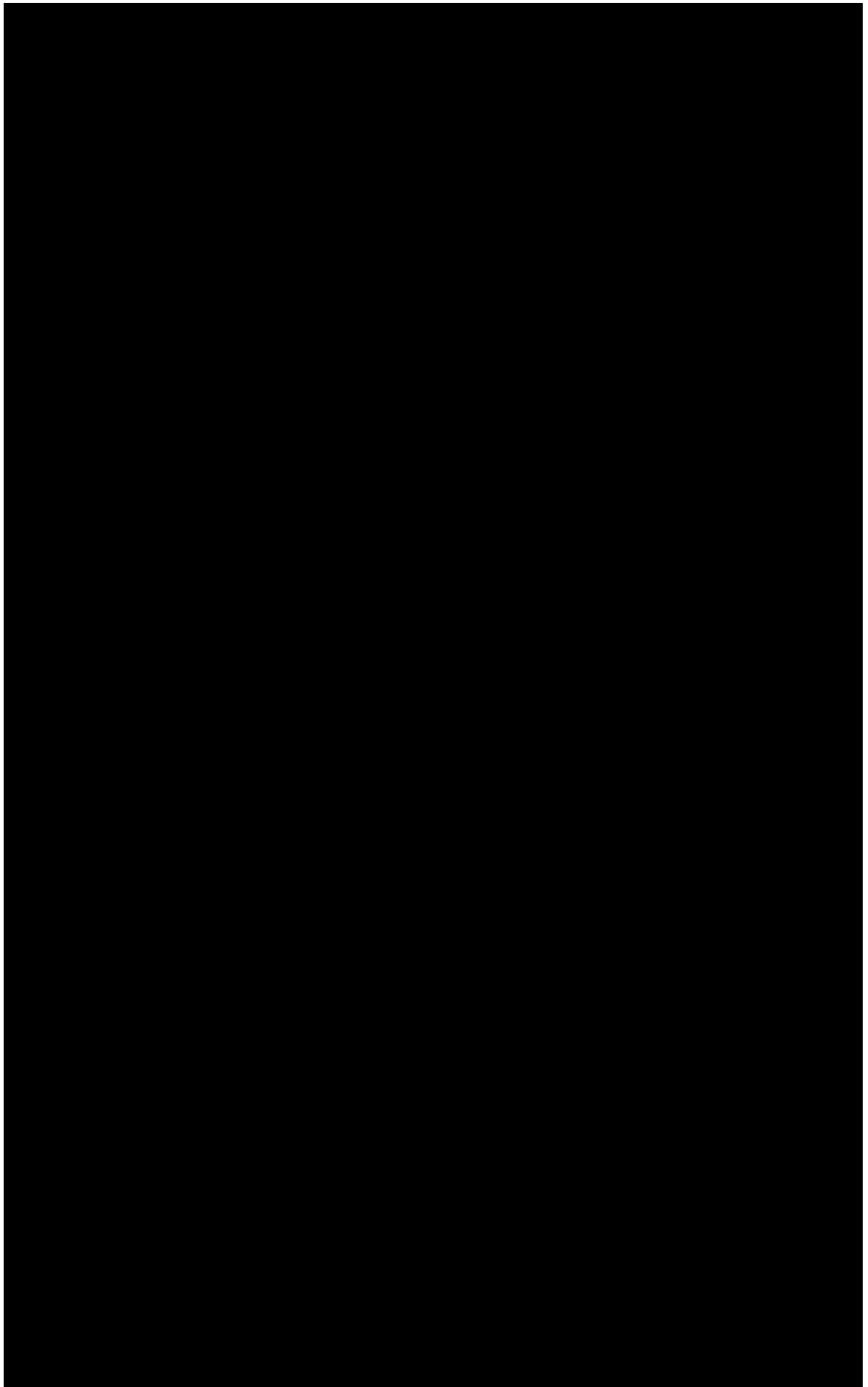
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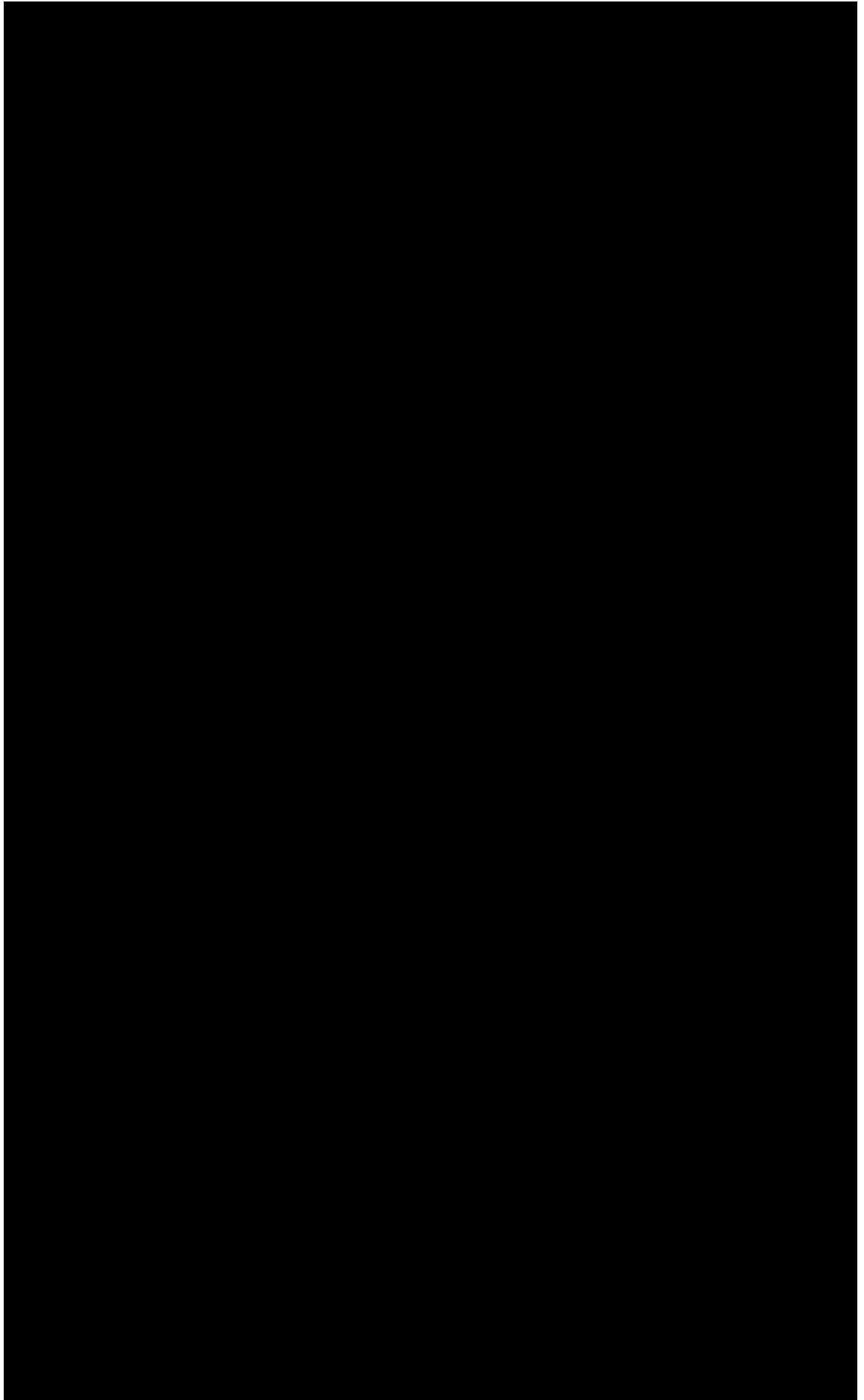
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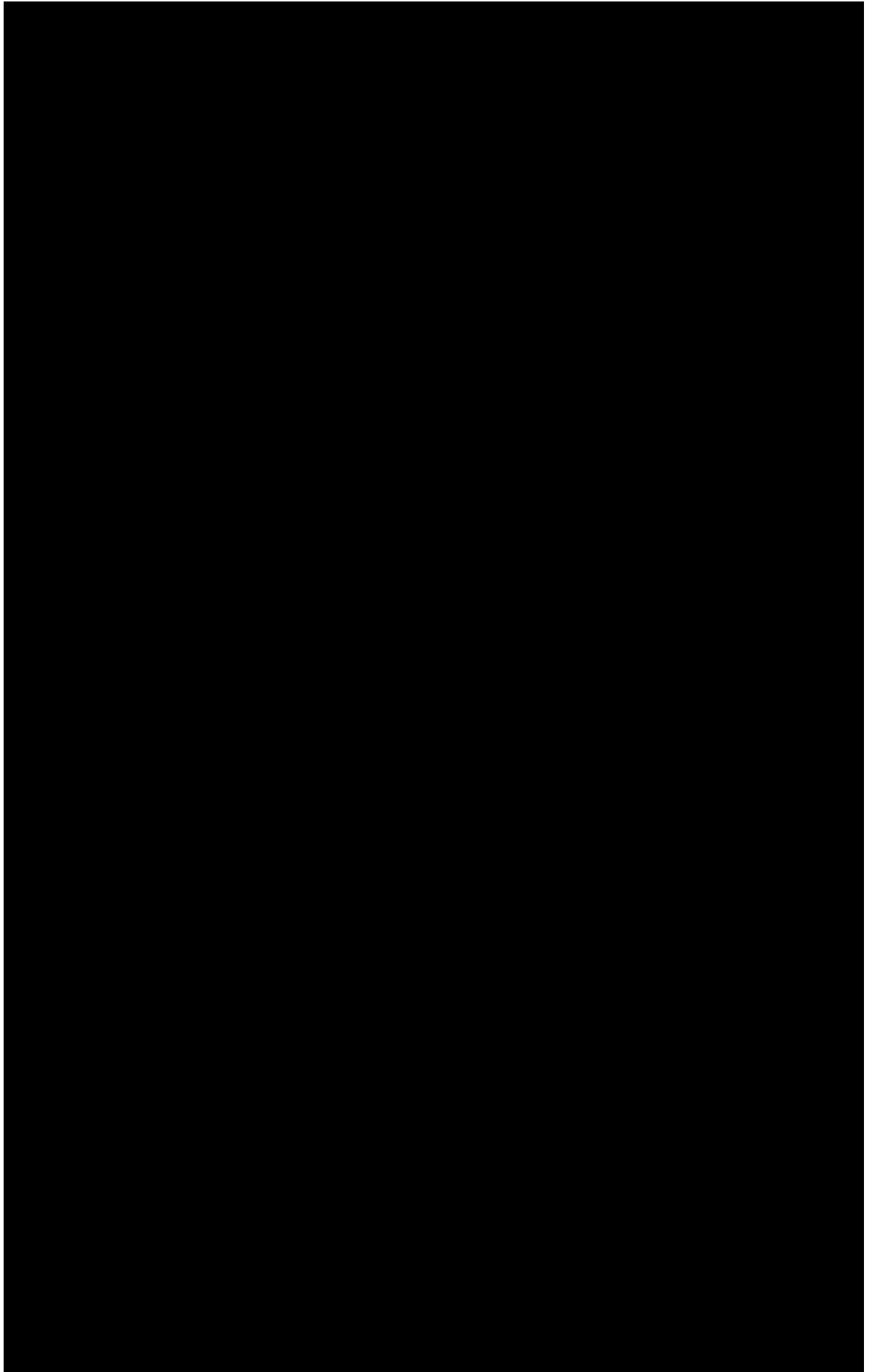
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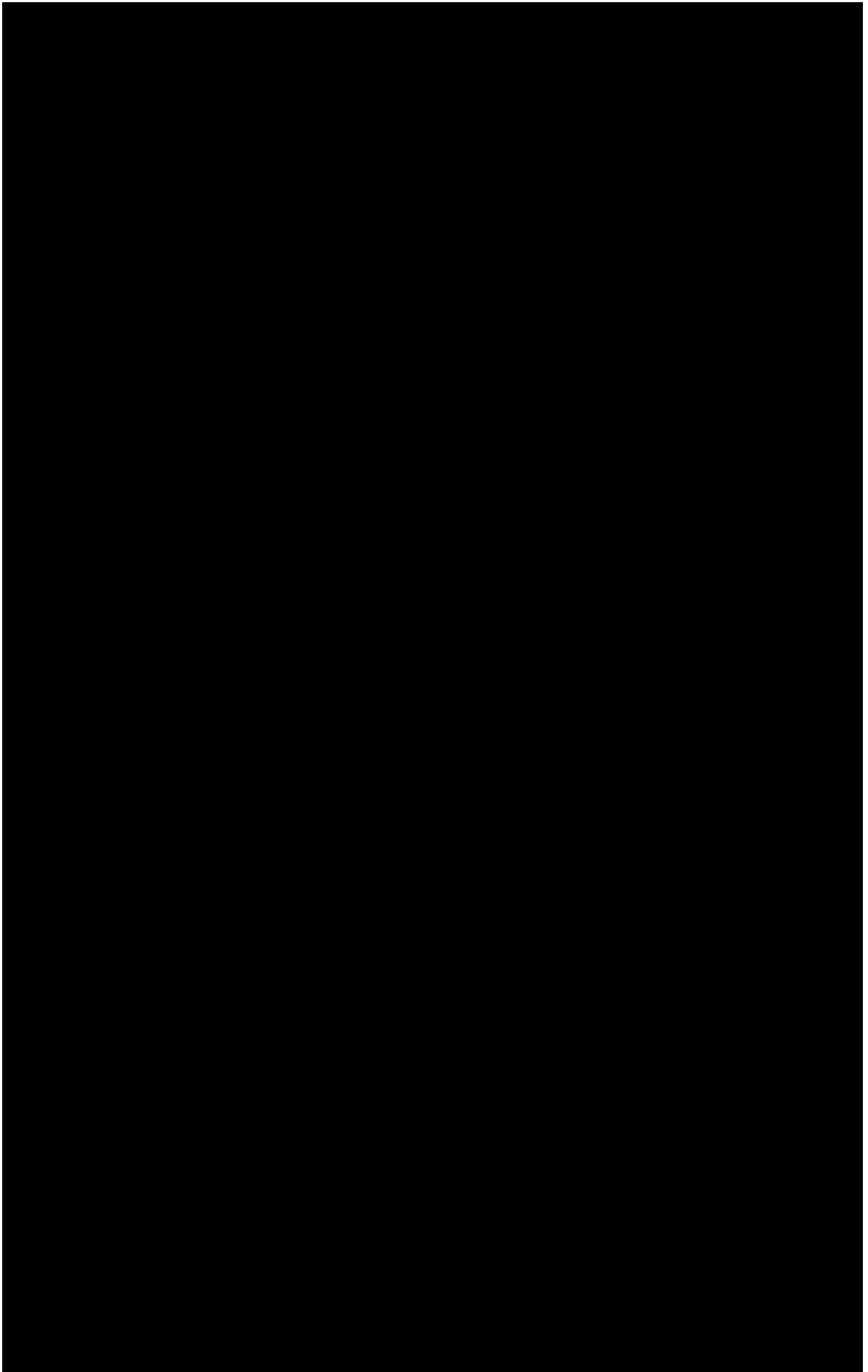
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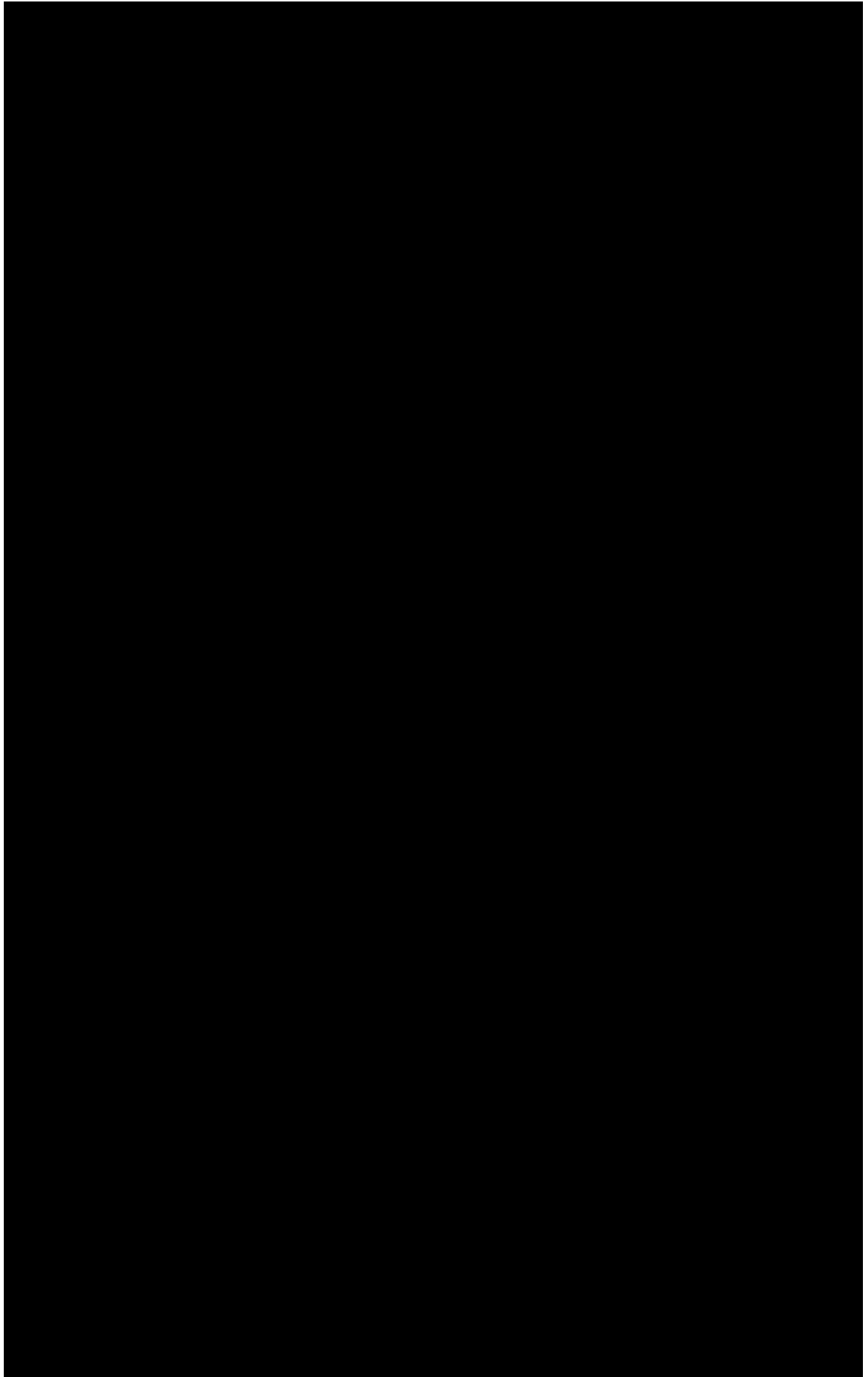
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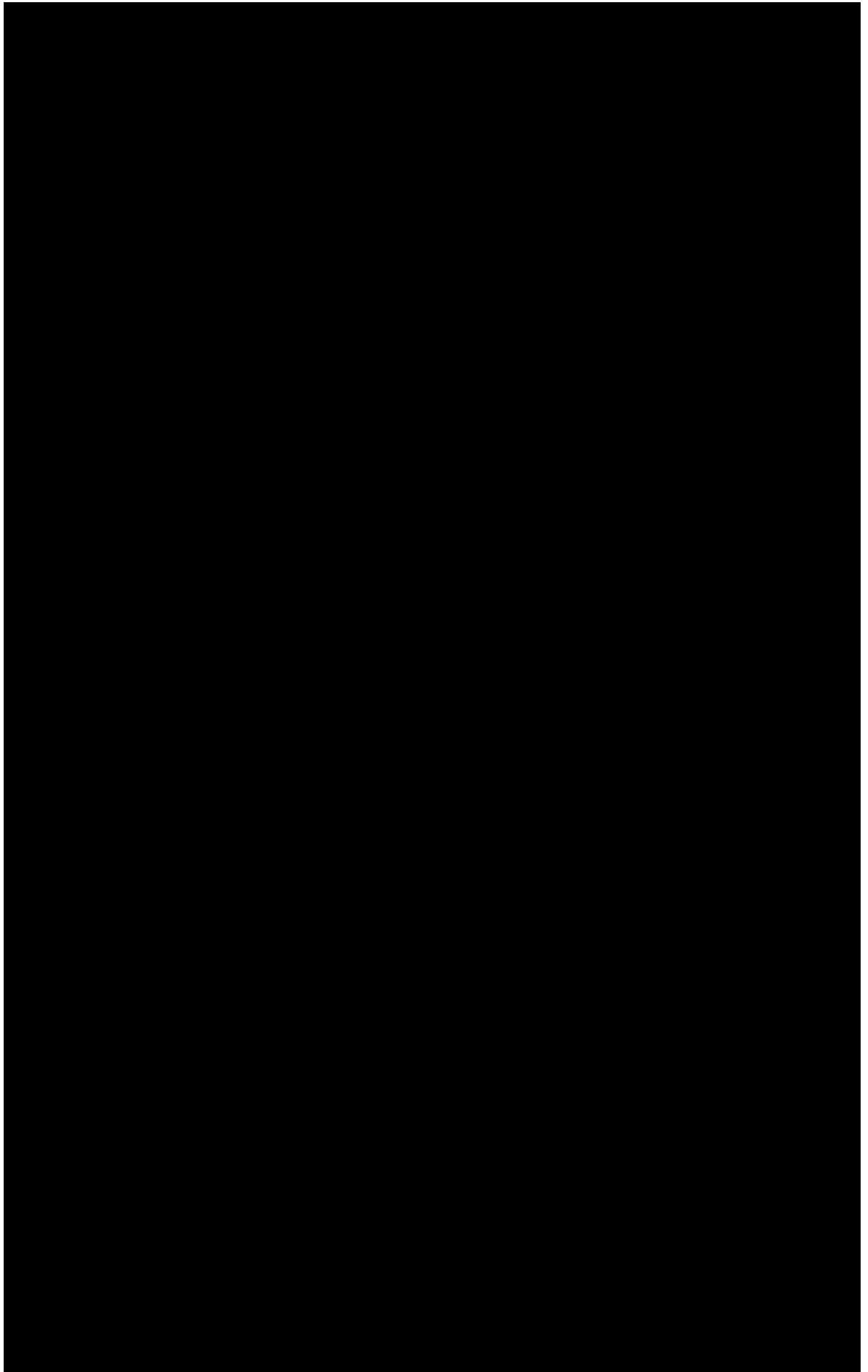
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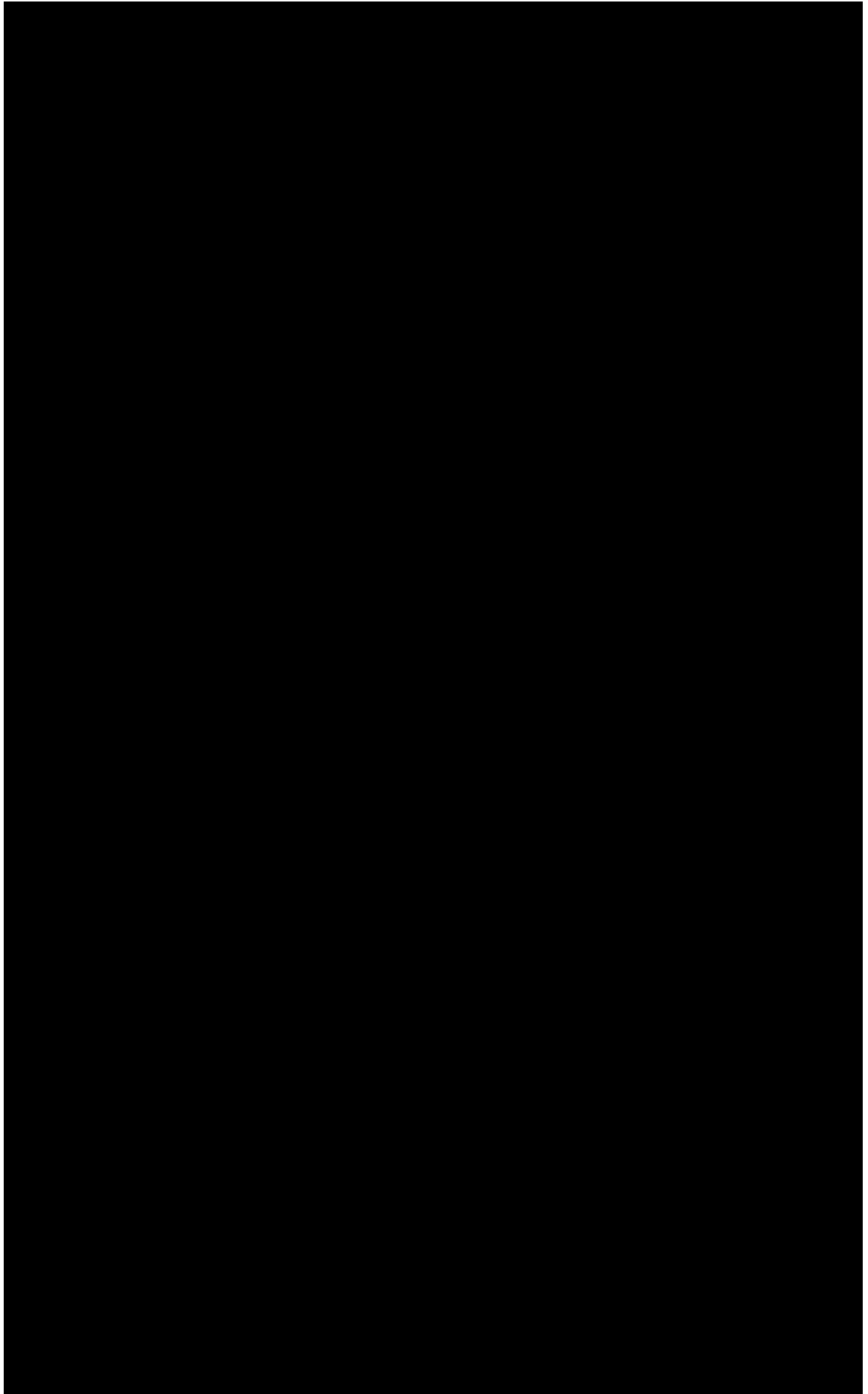
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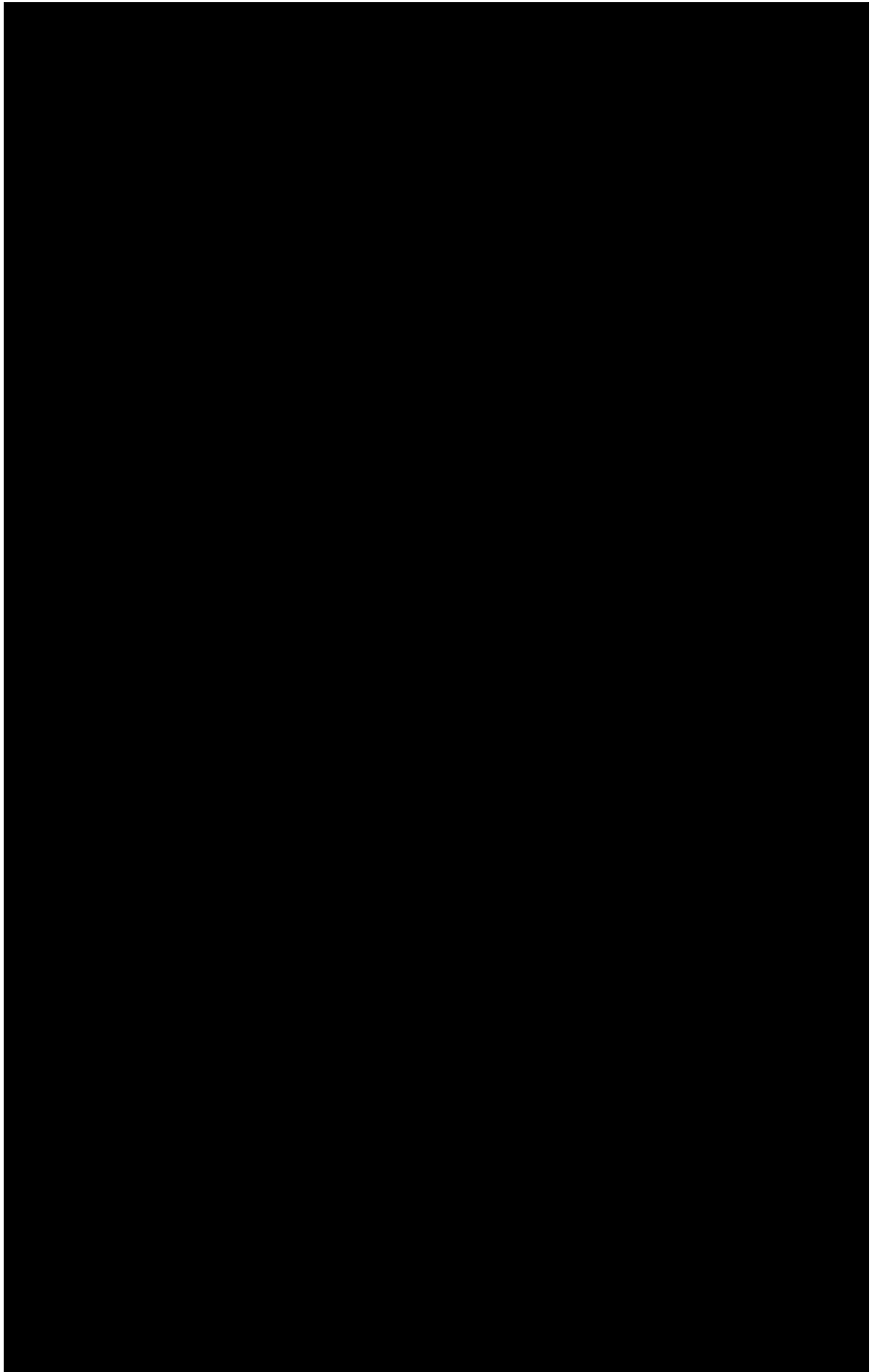
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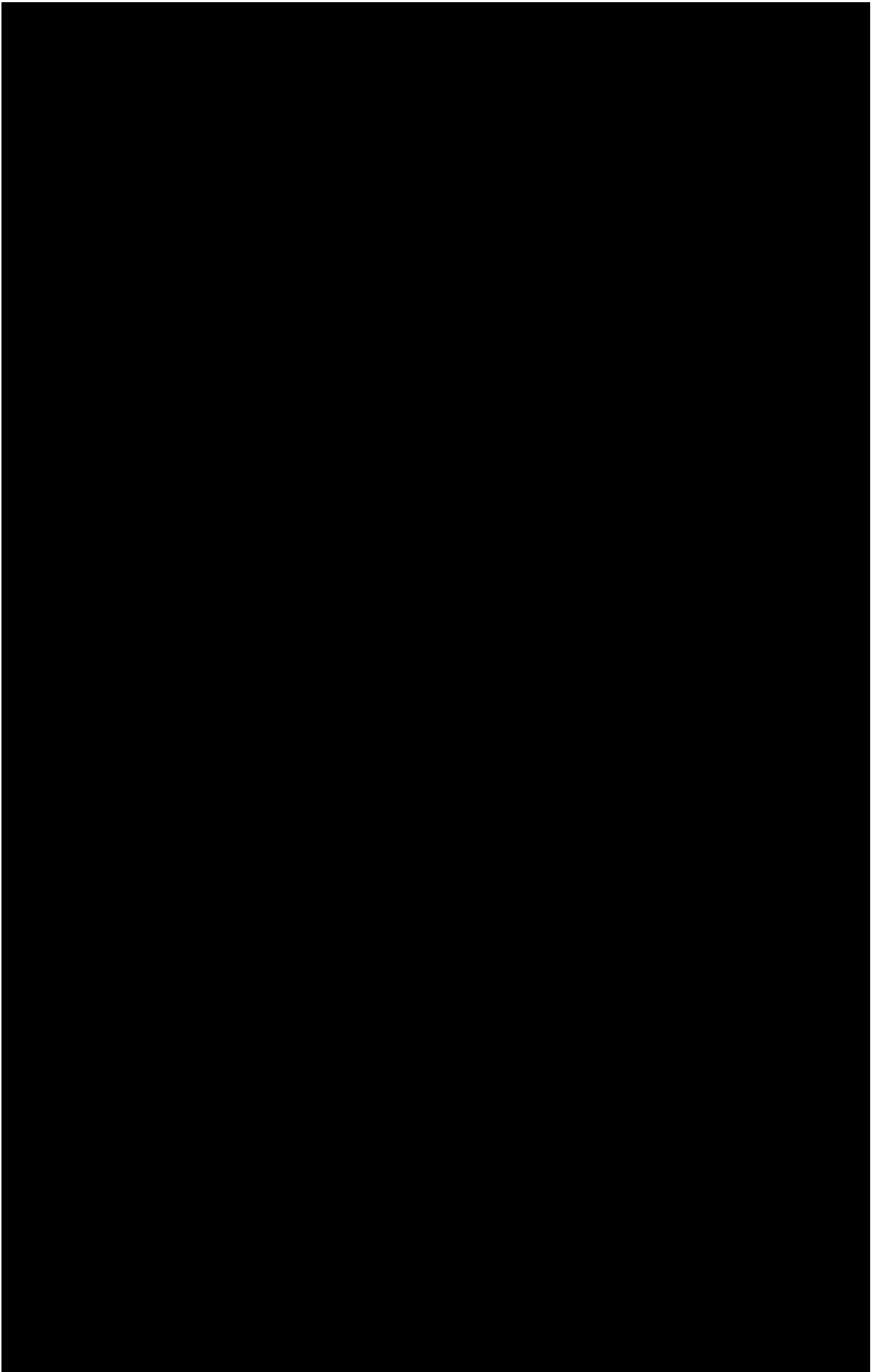
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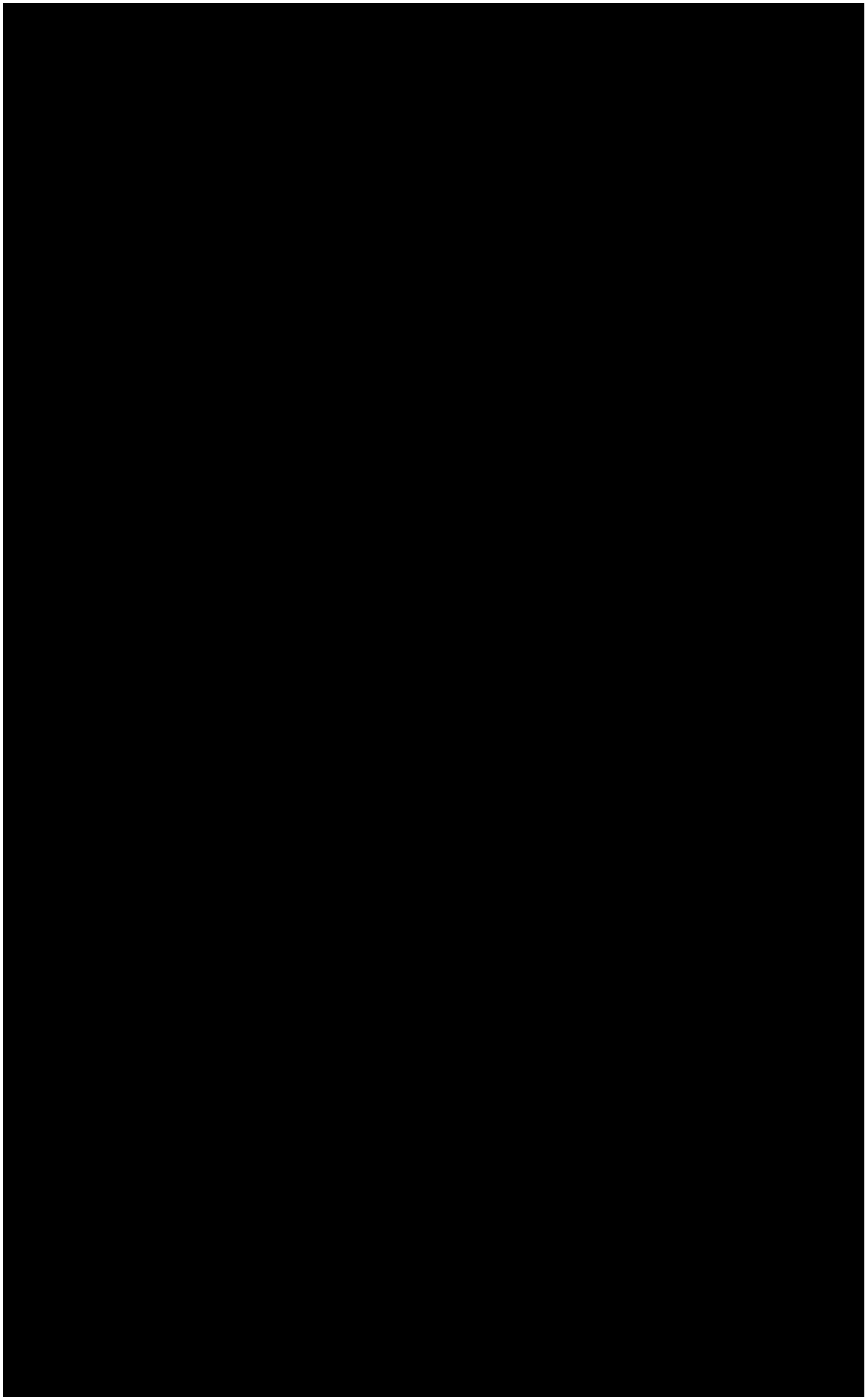
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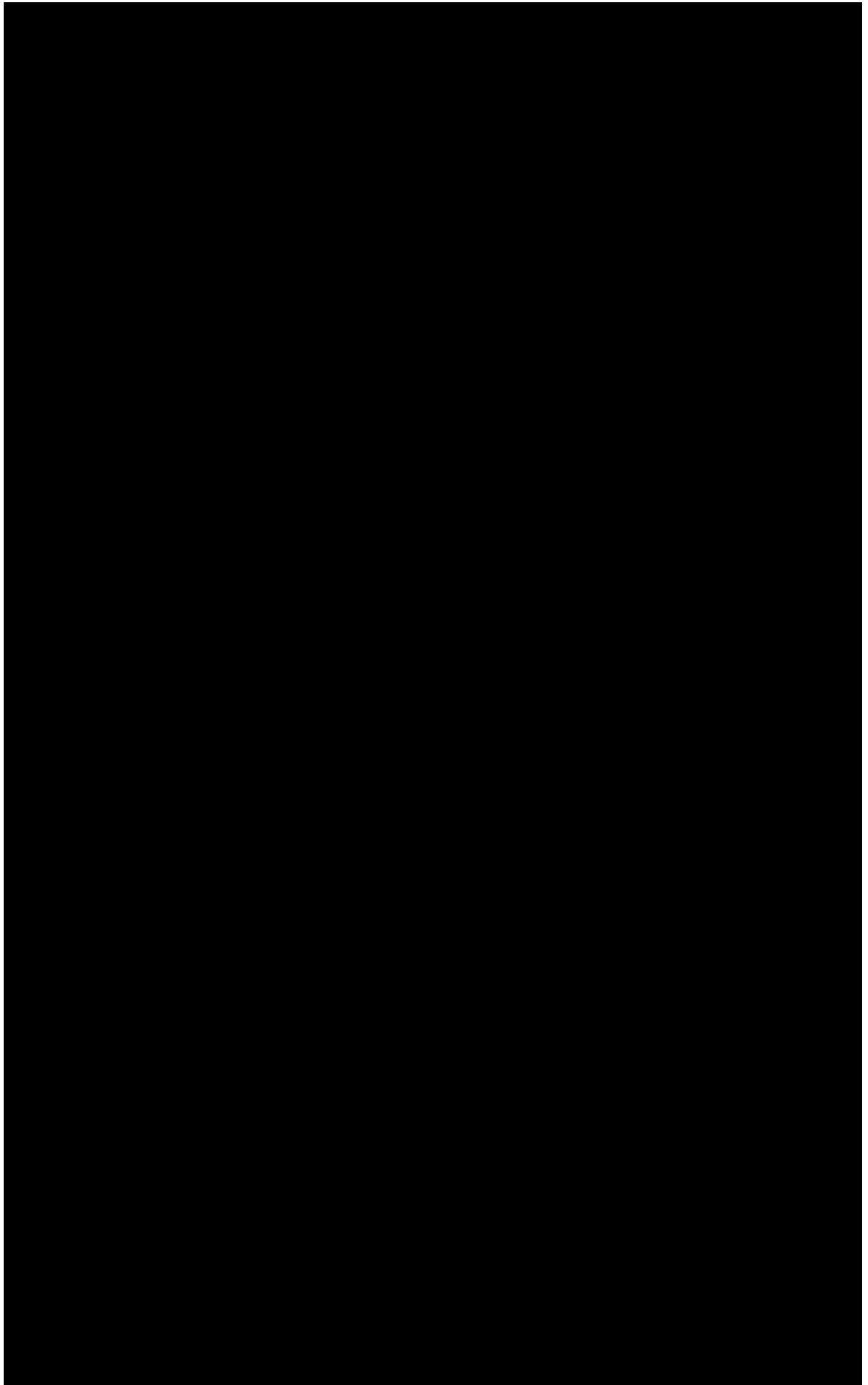
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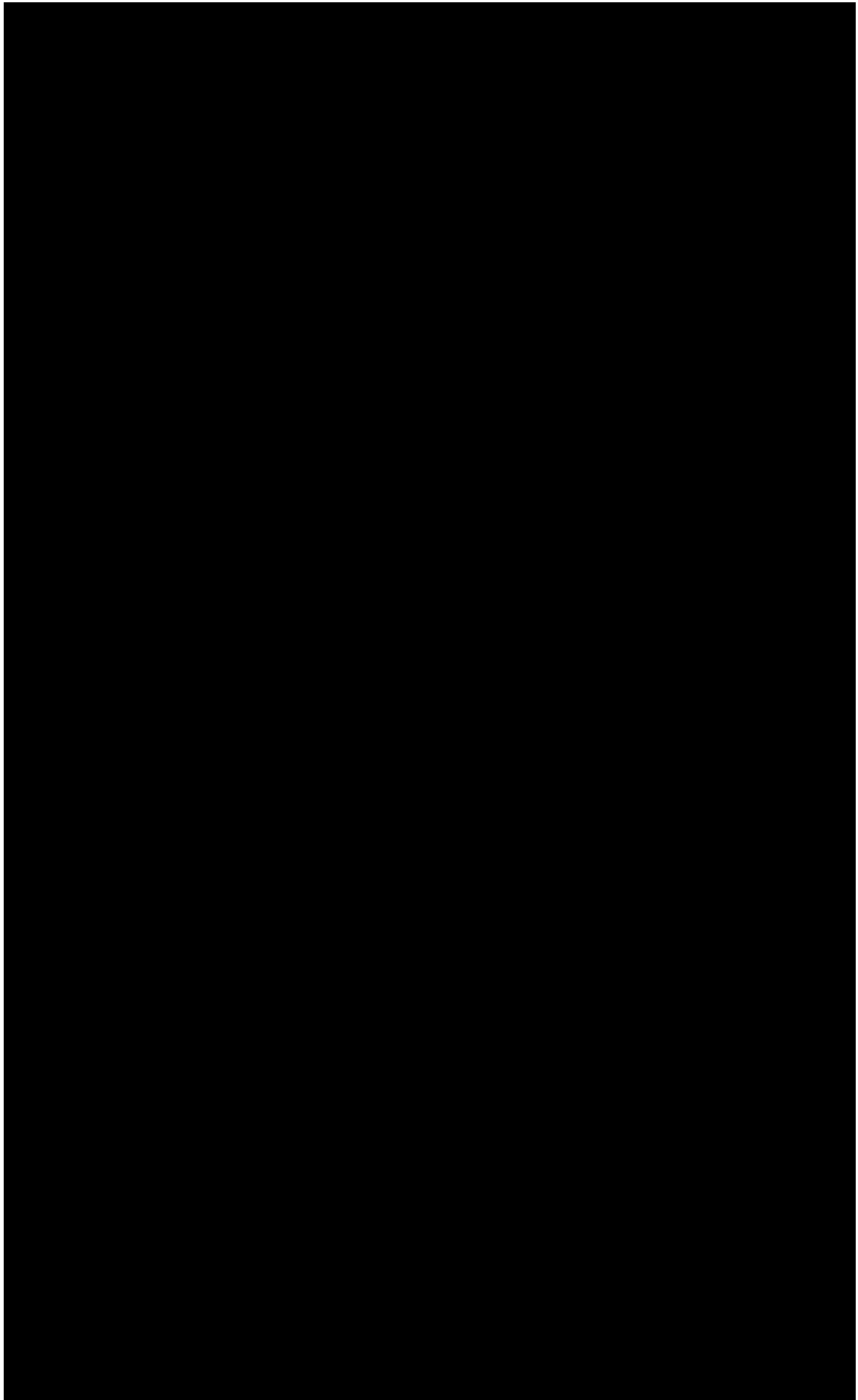
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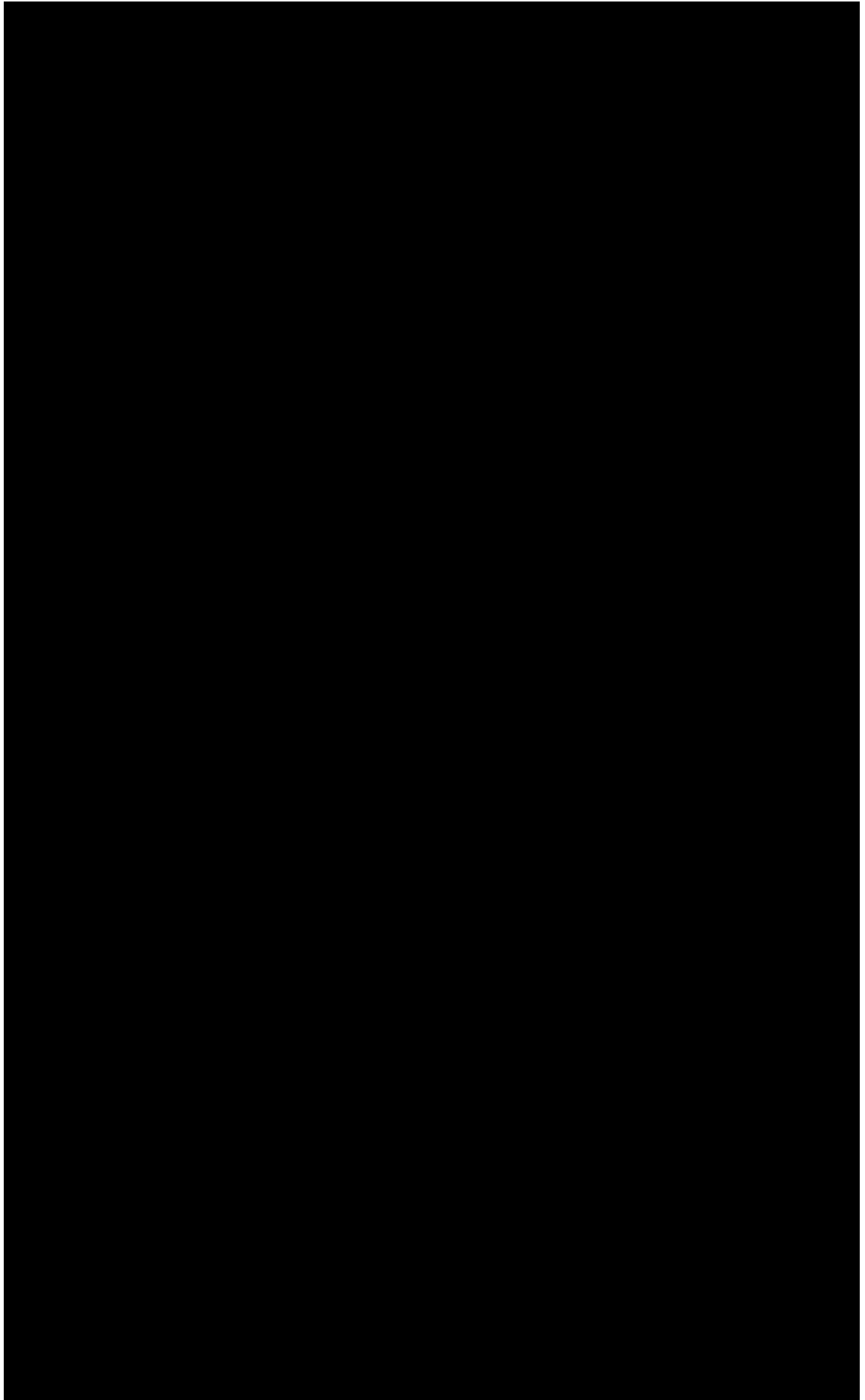
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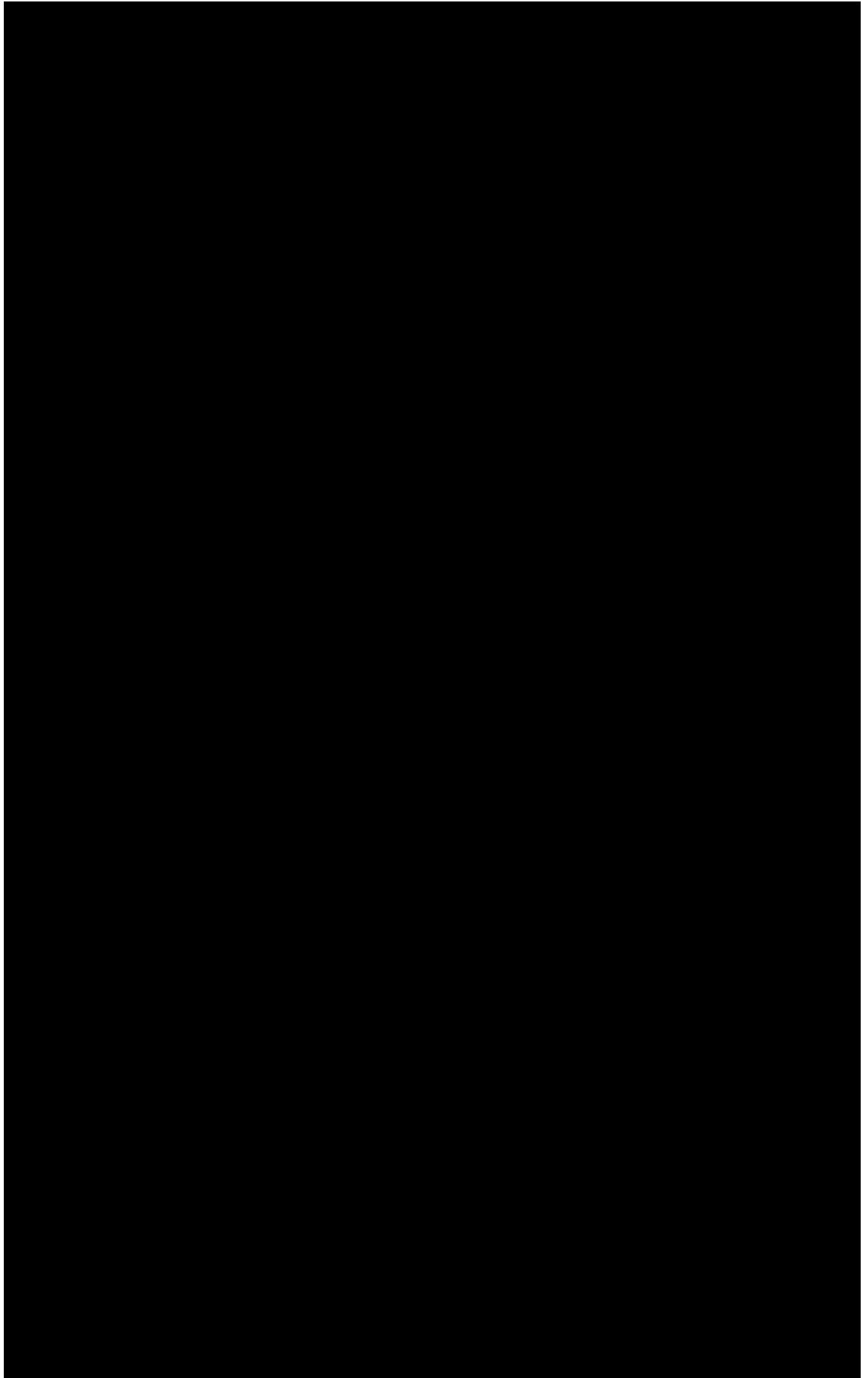
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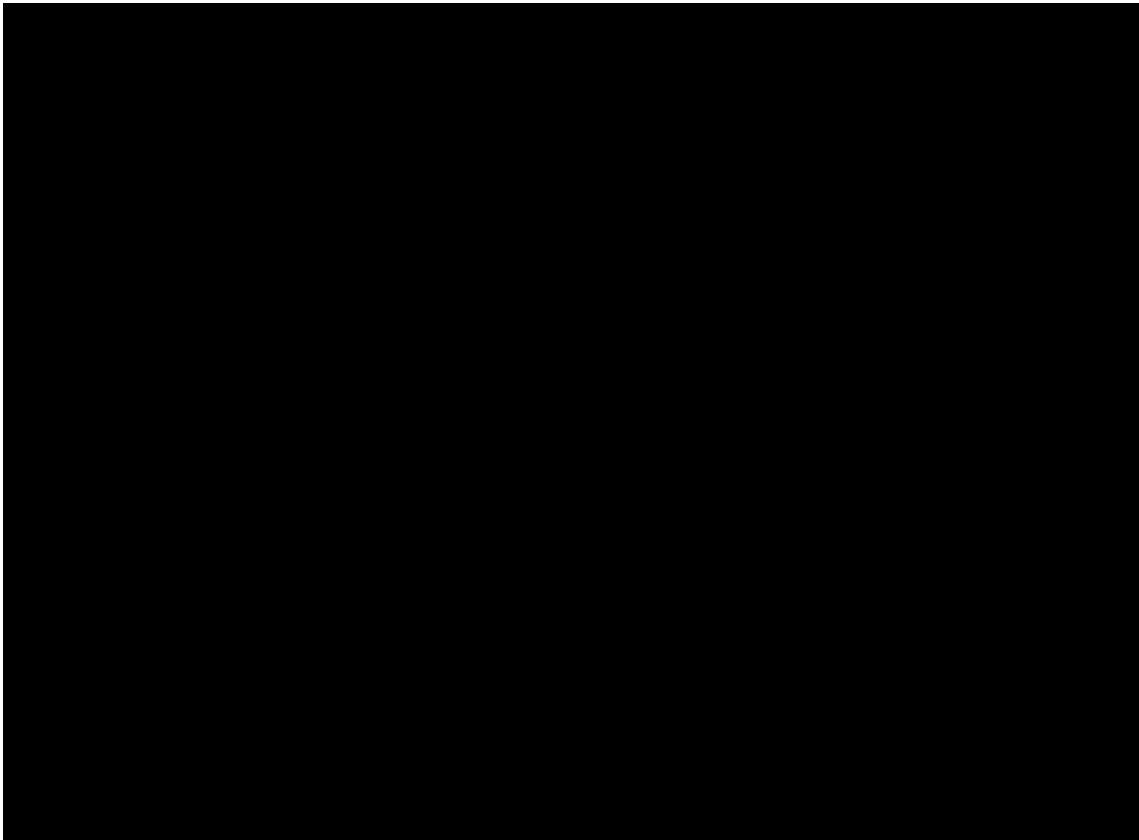
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I think I'm going to pass the mic over
to my co-counsel, and we can take a break. Thank
you.

THE VIDEOGRAPHER: The time is 2:23
p.m., and we're going off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 2:36
p.m., and we're back on the record.

FURTHER DIRECT EXAMINATION

BY MR. DE ROCHE:

Q Good afternoon. My name is Jim
De Roche, and I've got some -- a few follow-up
questions for you this afternoon.

1 First of all, I want to learn more about
2 Pam Hinkle, because we didn't really get a lot of
3 background on you.

4 First of all, where -- did you go to
5 college?

6 A I did not go to college.

7 Q Okay. You're a high school graduate?

8 A I am.

9 Q Okay. Do you have any training at all
10 with respect to DEA regulations?

11 MS. MILLER: Object to form.

12 BY MR. DE ROCHE:

13 Q At any point in time.

14 A Over my years, yes, sir, I've had
15 training.

16 Q Okay. Well, I want to know what that
17 training was, when you received it, who gave you
18 to you. So lay it out for us.

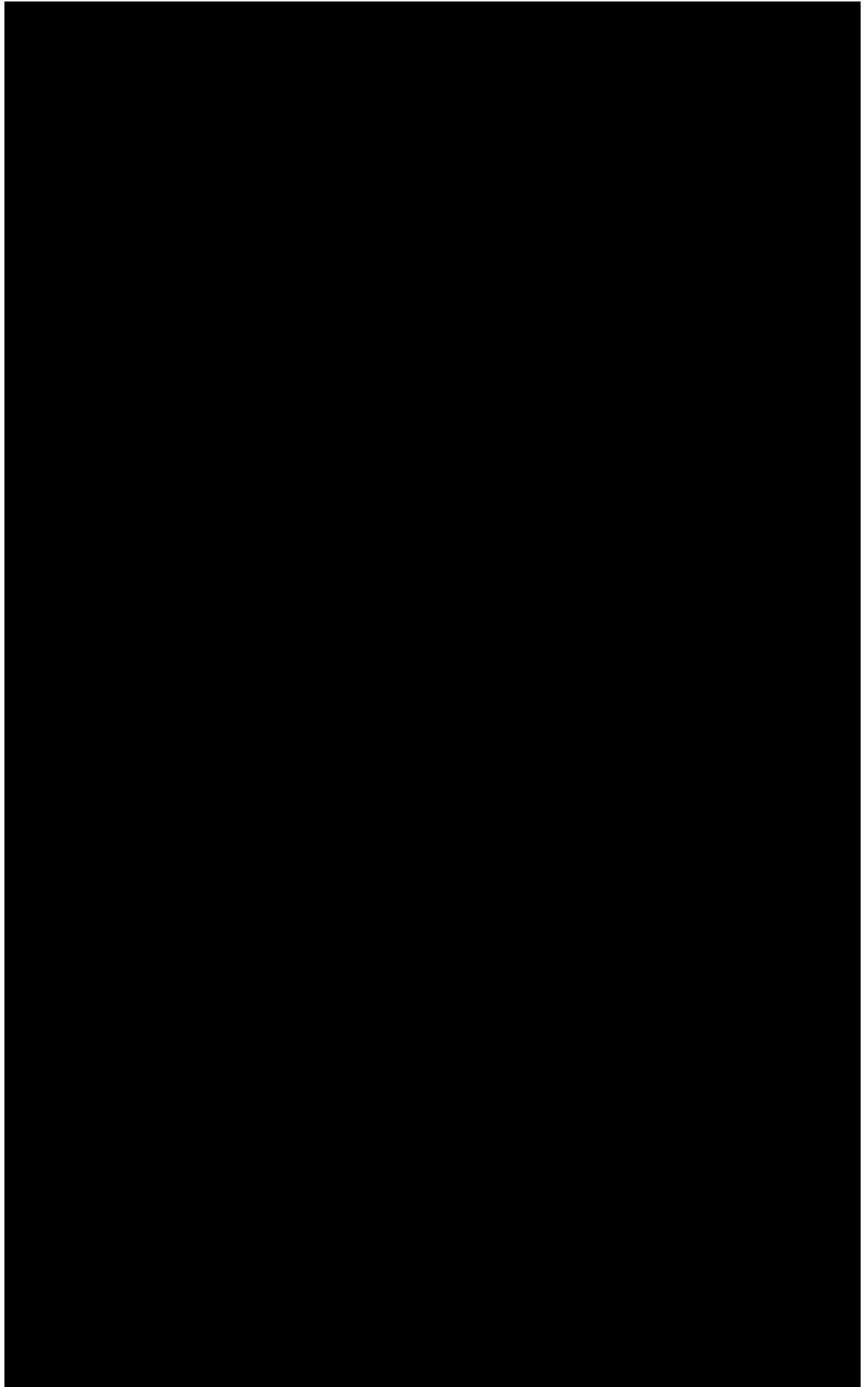
19 MS. MILLER: Object to form.

20 THE WITNESS: Sir, I don't have -- I
21 don't have time frames. I don't have specifics.
22 I don't have that information, sir.

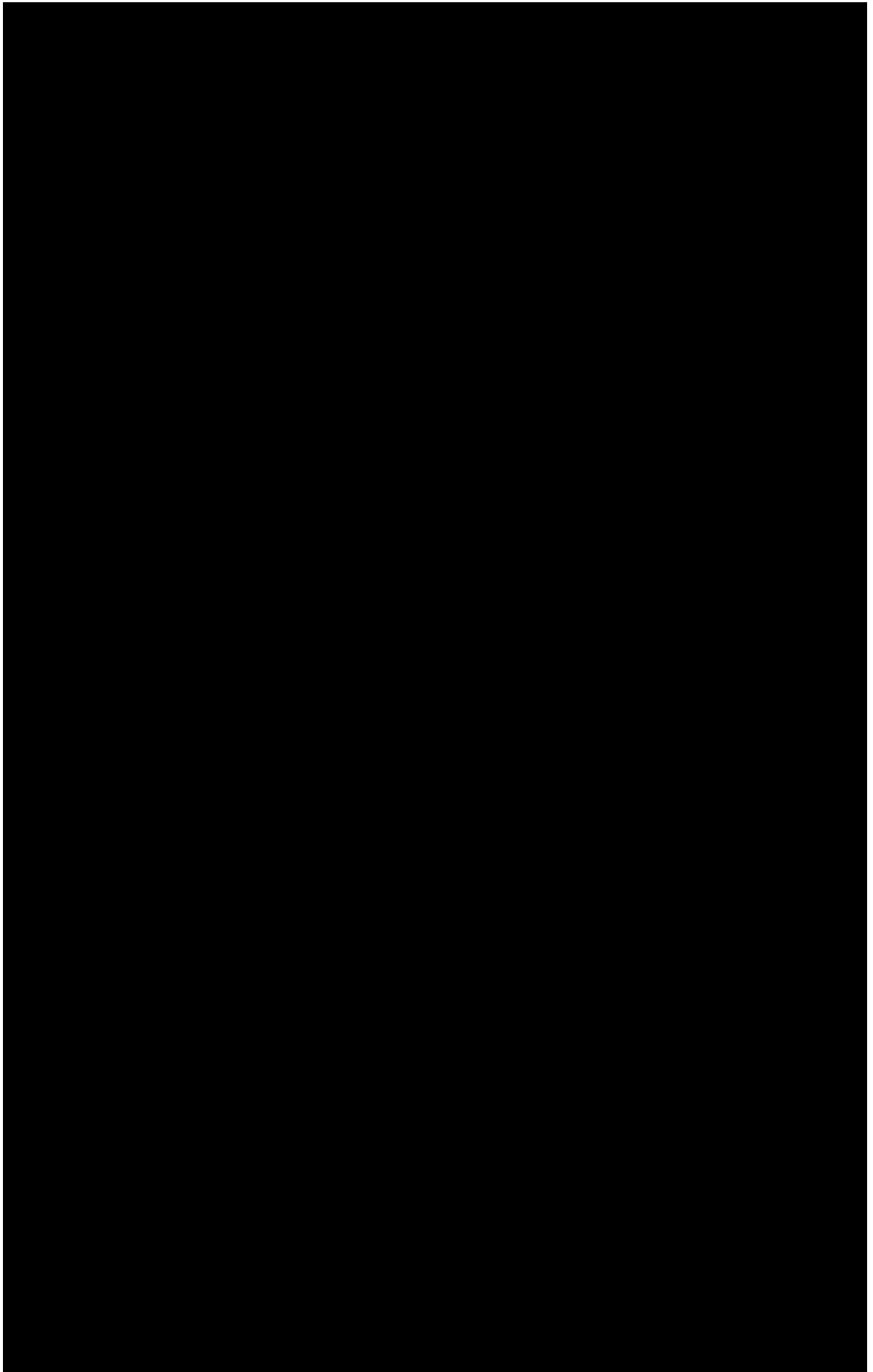
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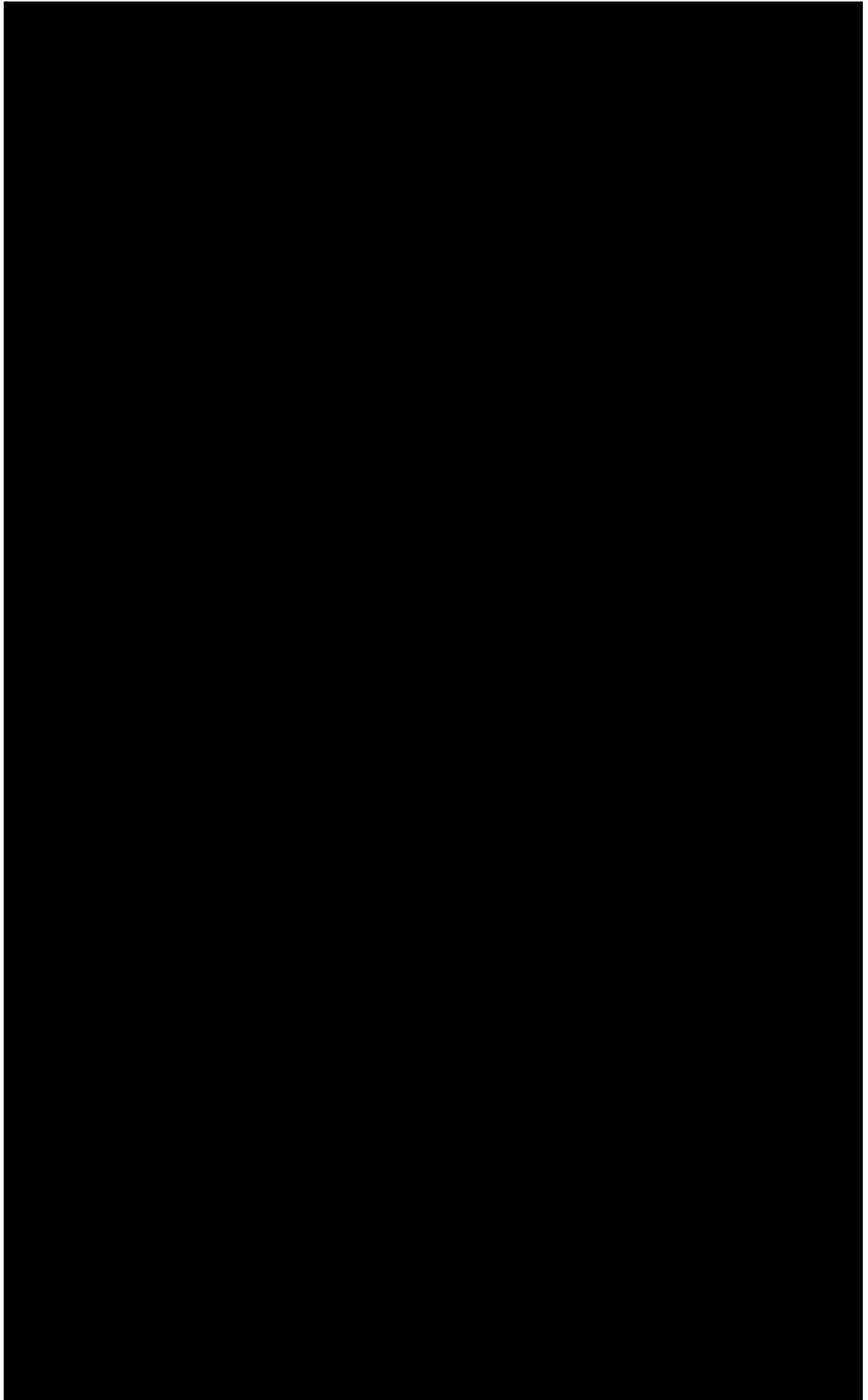
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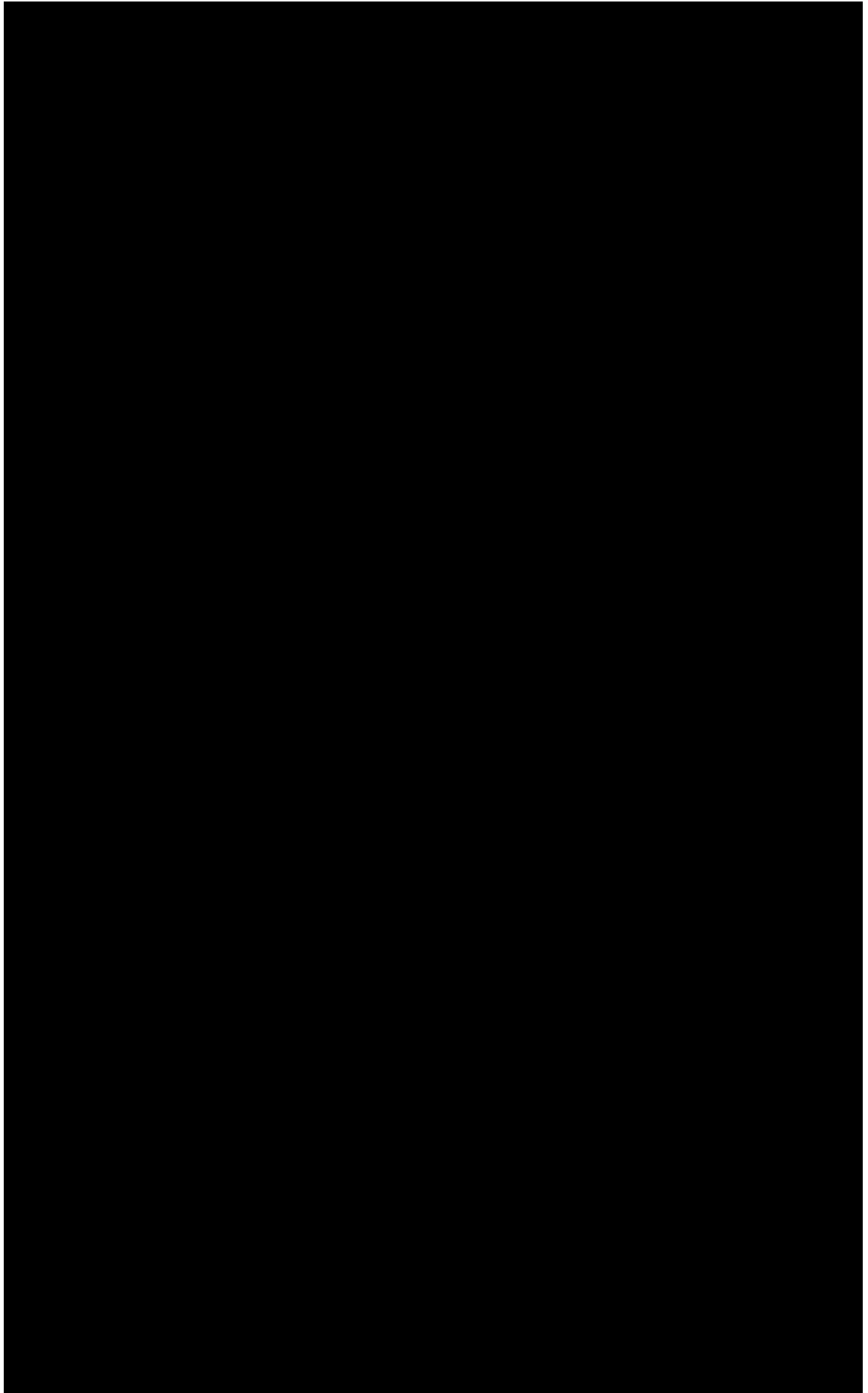
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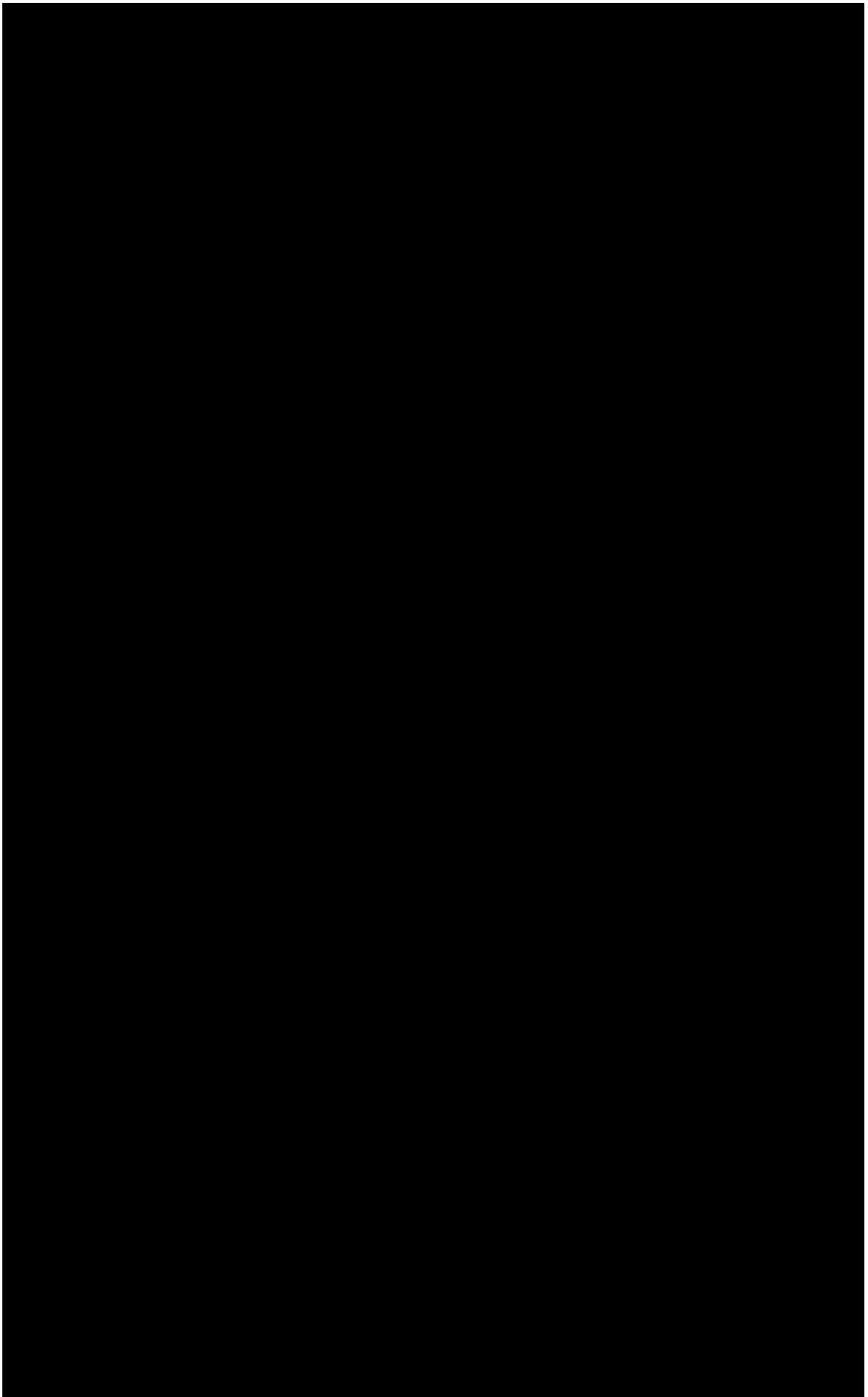
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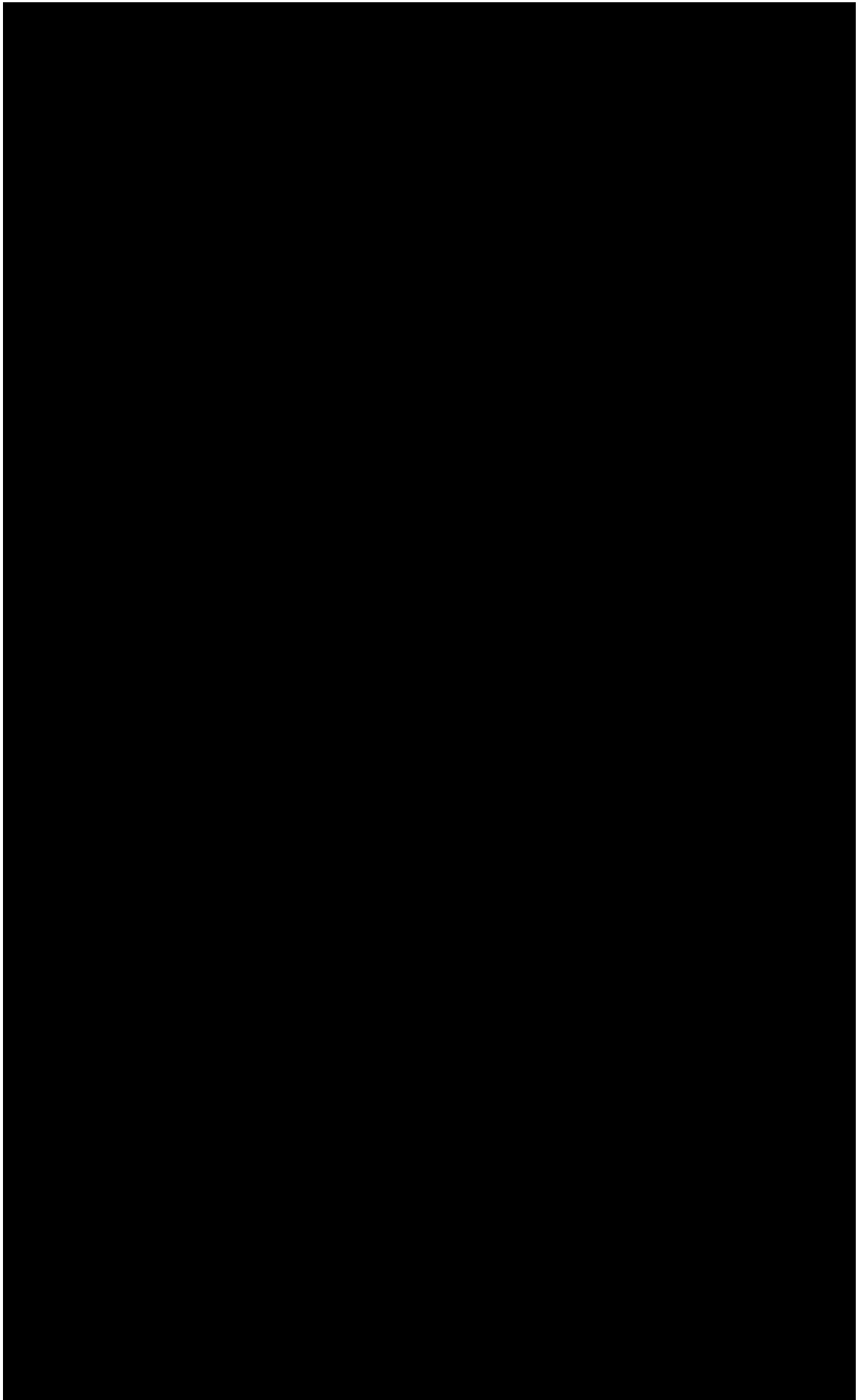
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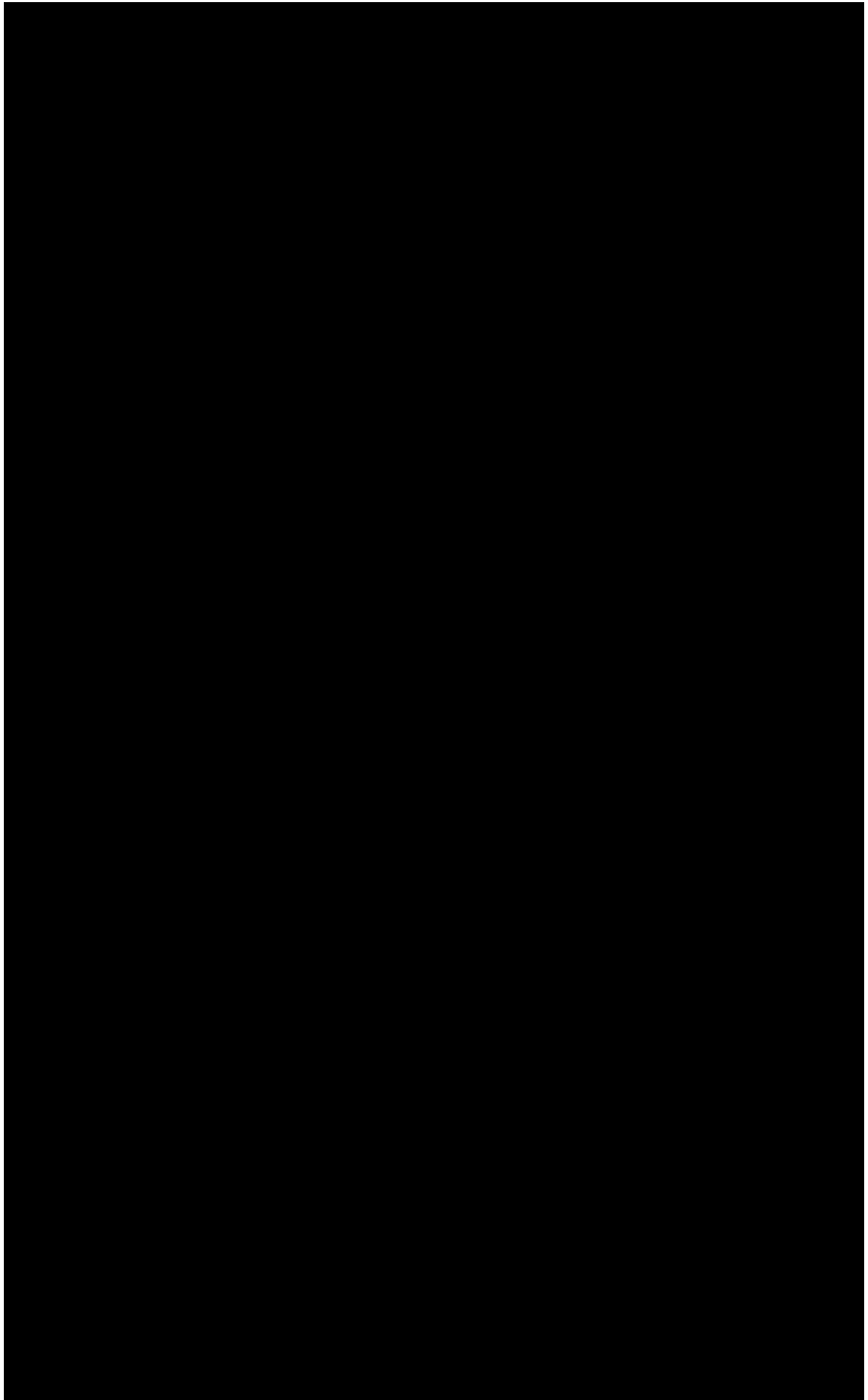
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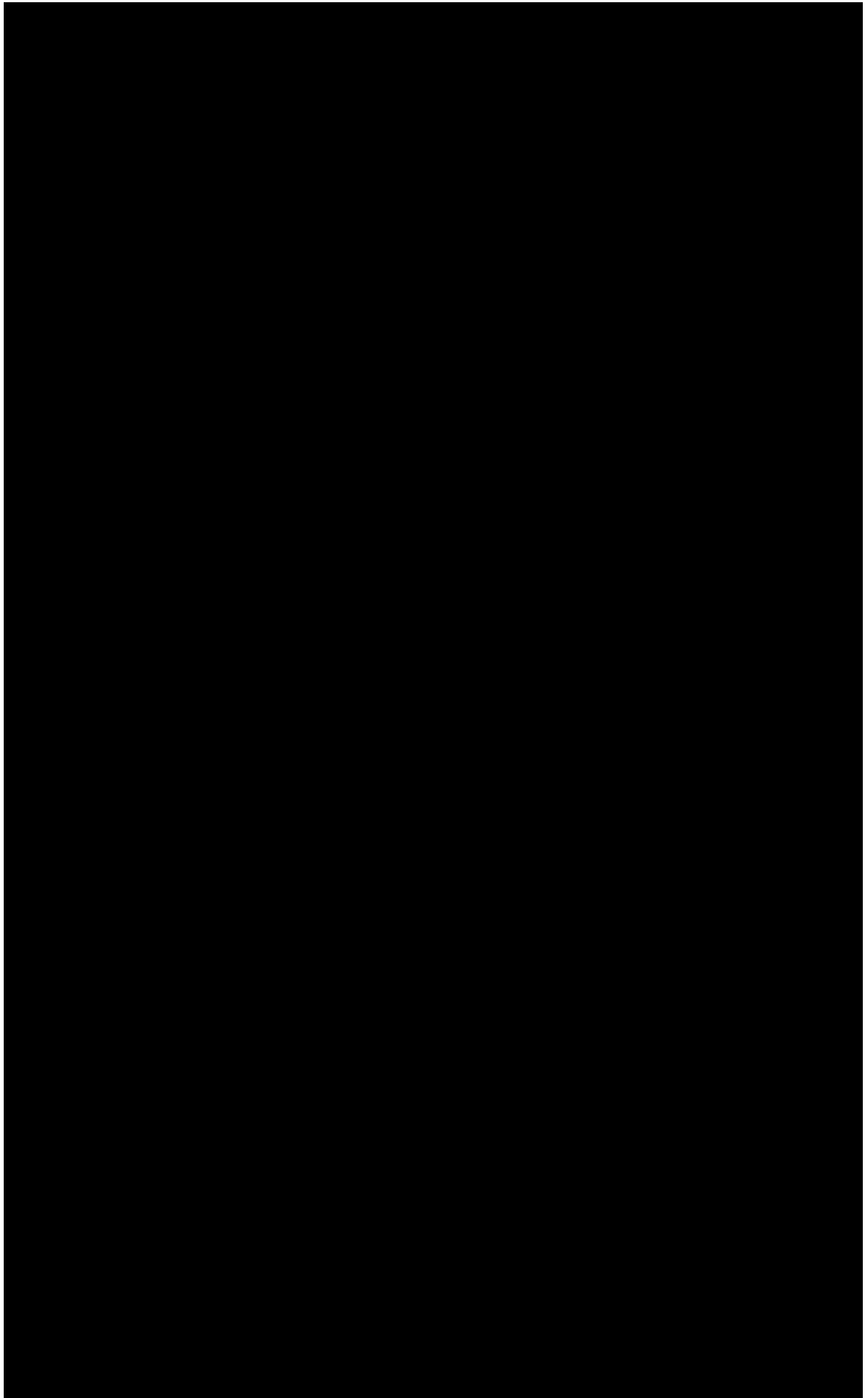
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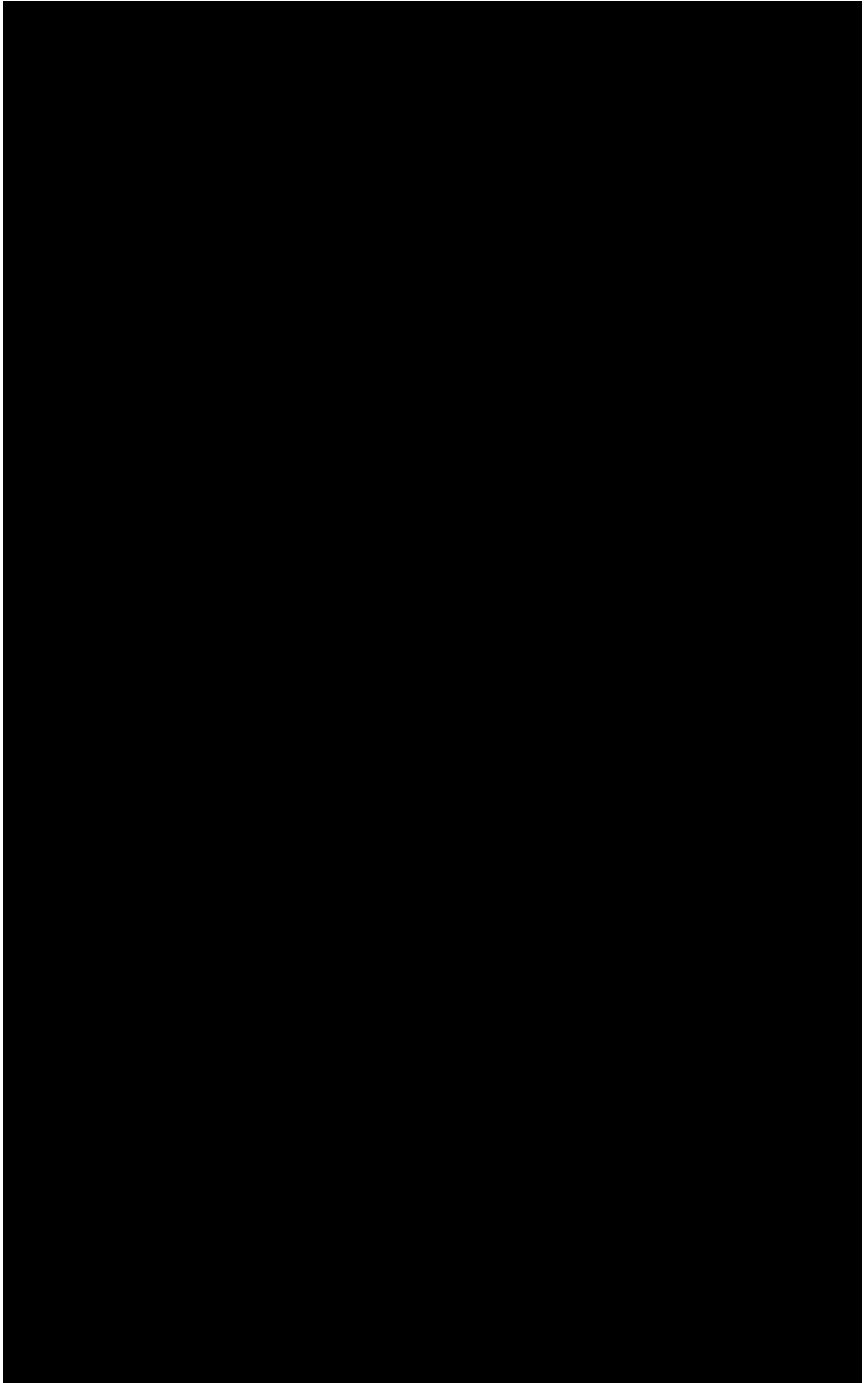
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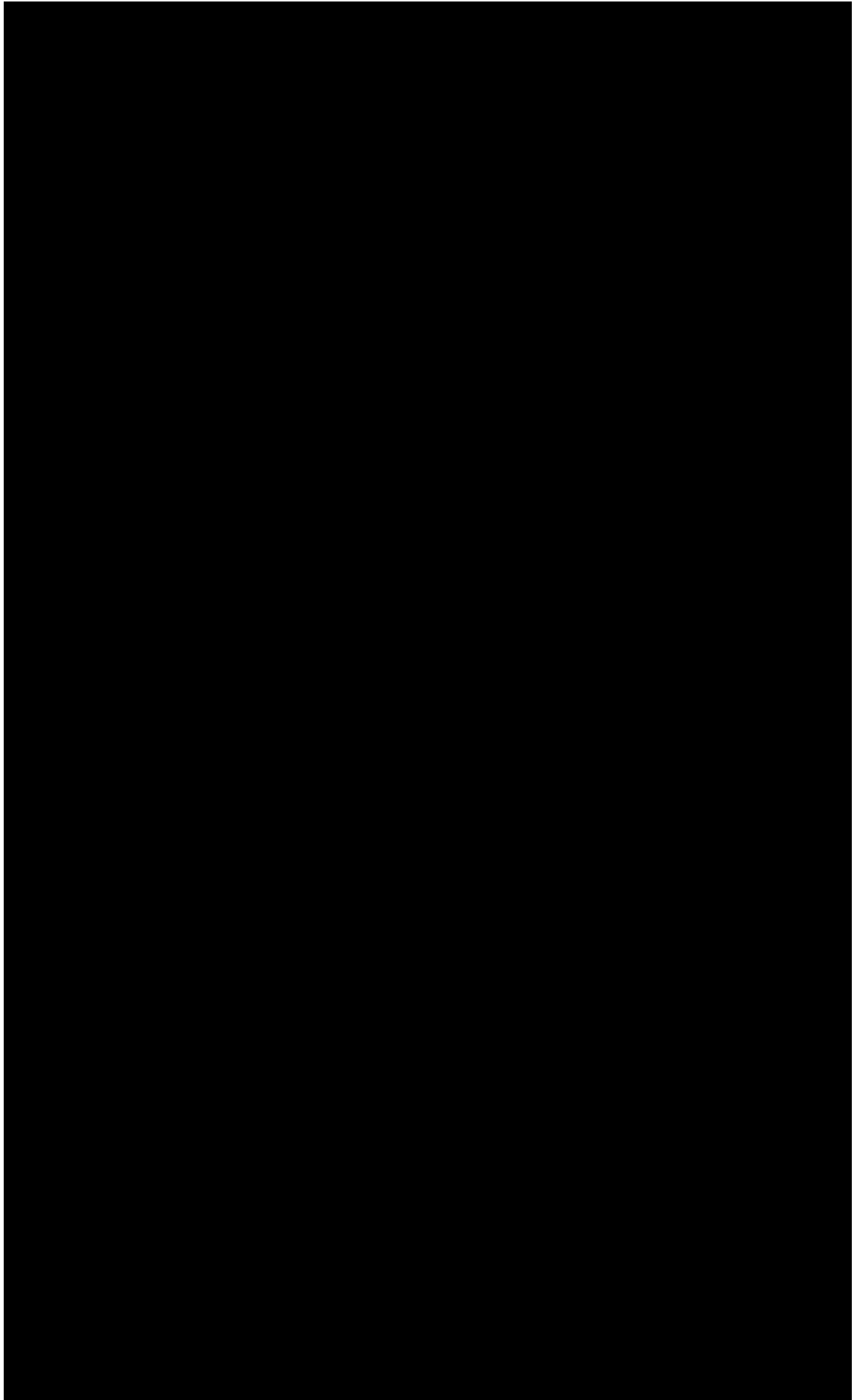
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MS. MILLER: Object to form.

9

MR. DE ROCHE: What is the basis of the
objection, Counsel?

11

MS. MILLER: What year what?

12

MR. DE ROCHE: What year -- what year?
The context of the question was quite clear. What
was the basis for your objection?

15

MS. MILLER: Well, your question was
what year.

17

MR. DE ROCHE: Right. Why is that
objectionable? What's wrong with that form of
question?

20

MS. MILLER: There's no -- there's no
context to that.

22

MR. DE ROCHE: The context was the prior
answer she gave. That's pretty clear, isn't it?

24

MS. MILLER: Could you please --

1 MR. DE ROCHE: No, I'm not going to
2 listen to objections that are baseless. You can
3 object to form if you have a basis for it. You
4 can't sit there and object to every question with
5 a completely baseless objection.

6 MS. MILLER: I can't object?

7 MR. DE ROCHE: That you can't do.

8 MS. MILLER: I'm objecting on the record
9 based on my right to do so.

10 MR. DE ROCHE: You're allowed to object
11 on the record when you have a basis for it.

12 MS. MILLER: Well, if your question --

13 MR. DE ROCHE: Not just when you're just
14 asking -- objecting to every question.

15 MS. MILLER: I can object --

16 MR. DE ROCHE: We've put up with that
17 all day today.

18 MS. MILLER: I can object based on
19 grounds that I see fit. You cannot tell me how --

20 MR. DE ROCHE: If you have grounds, you
21 can object. I agree, Counsel.

22 MS. MILLER: -- how to do my job. I'm
23 objecting to form.

24 MR. DE ROCHE: When it's baseless just

1 to interfere, you can't.

2 MS. MILLER: I'm not interfering. I'm
3 stating it on the record. I have a right to
4 object to form on the record. I'm sorry if you
5 don't like the way this process works.

6 MR. DE ROCHE: Well, I don't like the
7 way the process has been perverted by objections
8 that are baseless. That's what I object to.

9 MS. MILLER: Oh, you're objecting to
10 the -- you're objecting to an attorney objecting
11 on the record.

12 MR. DE ROCHE: For baseless reasons,
13 yeah, I am.

14 MS. MILLER: It's not --

15 MR. DE ROCHE: You bet your -- you bet I
16 am.

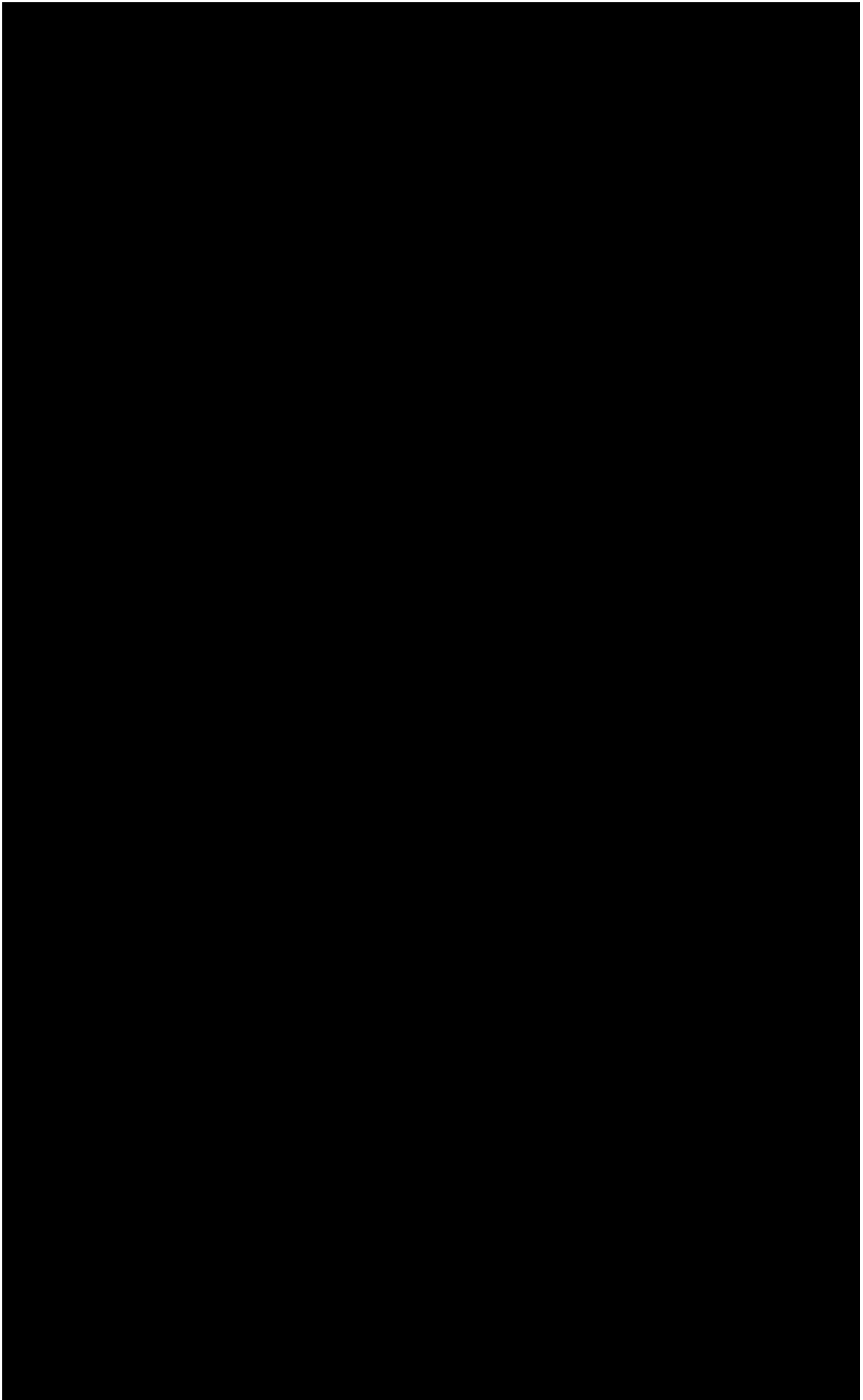
17 MS. MILLER: It's not baseless reasons.
18 And I would just ask that you would refrain from
19 having this colloquy when I am simply doing
20 exactly what I'm entitled to do, which is object
21 to form on the record.

22

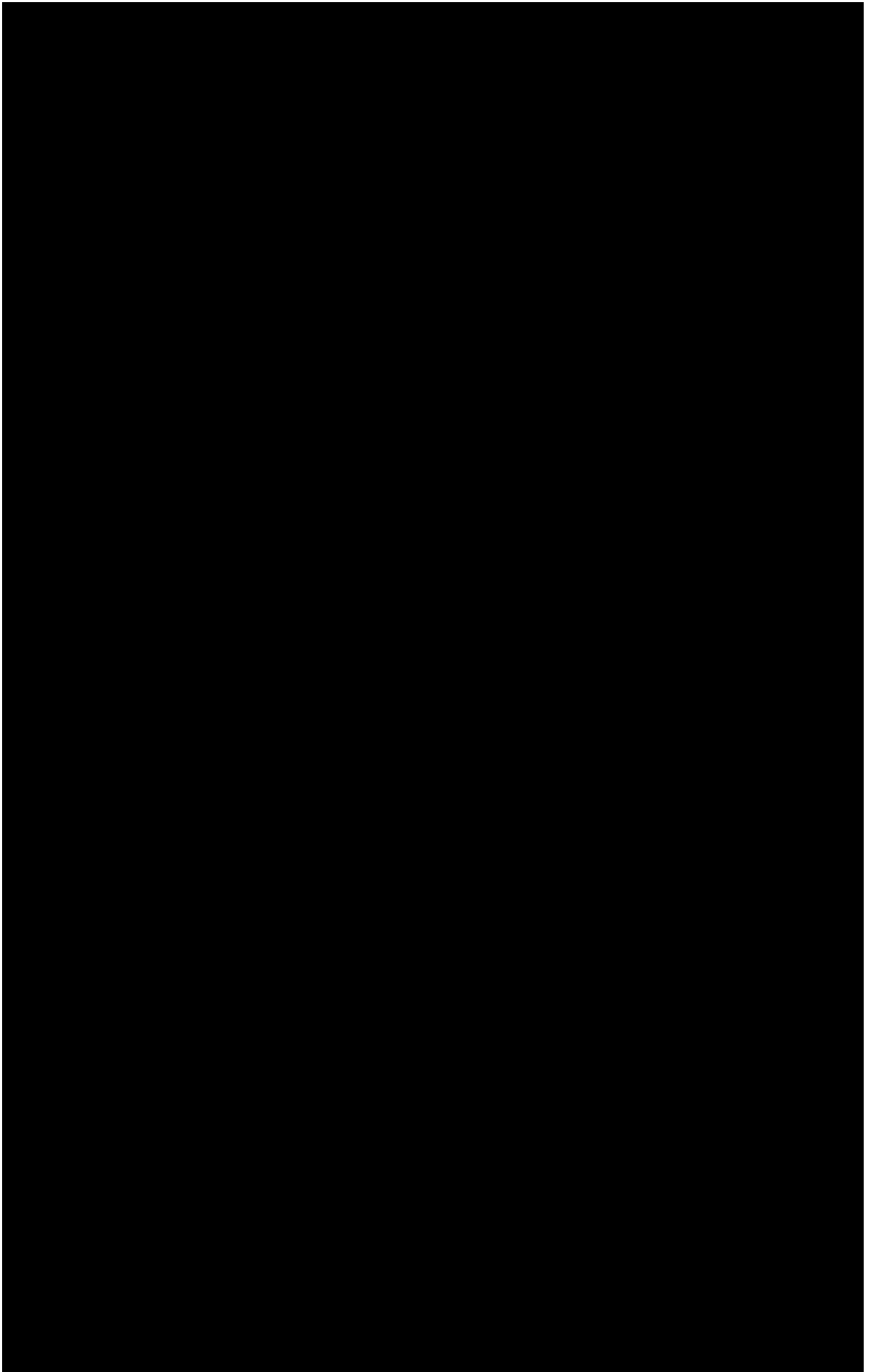
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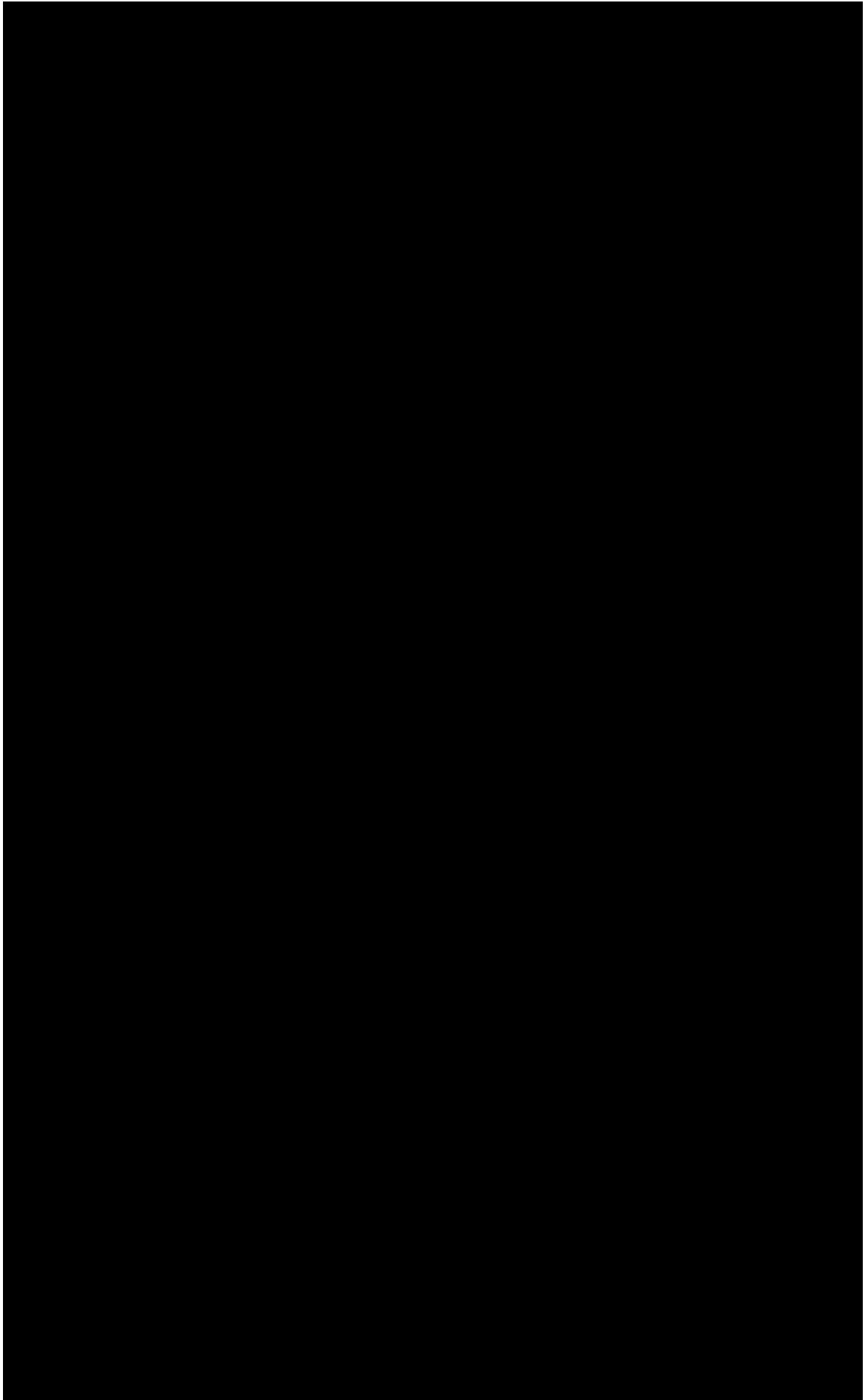
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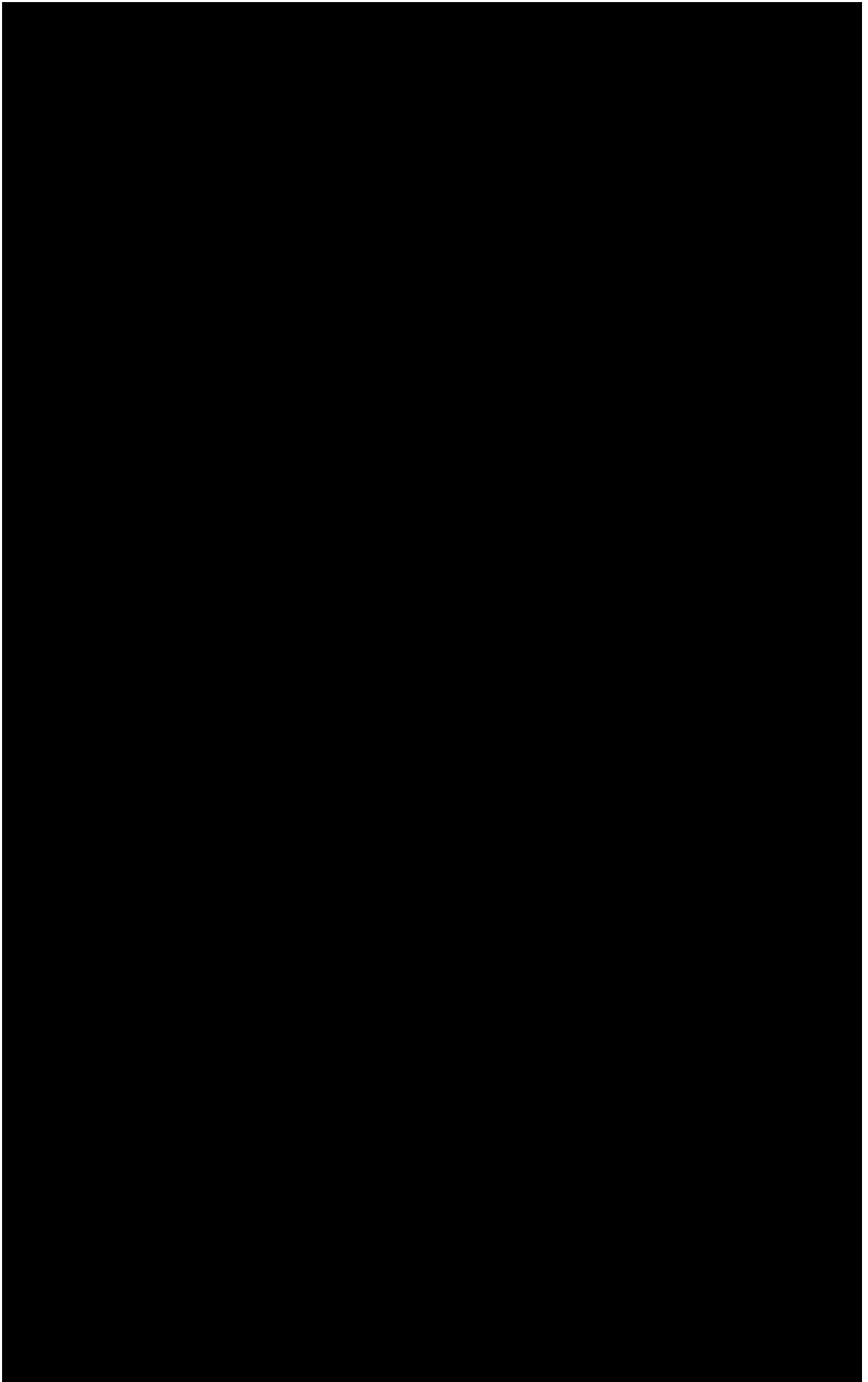
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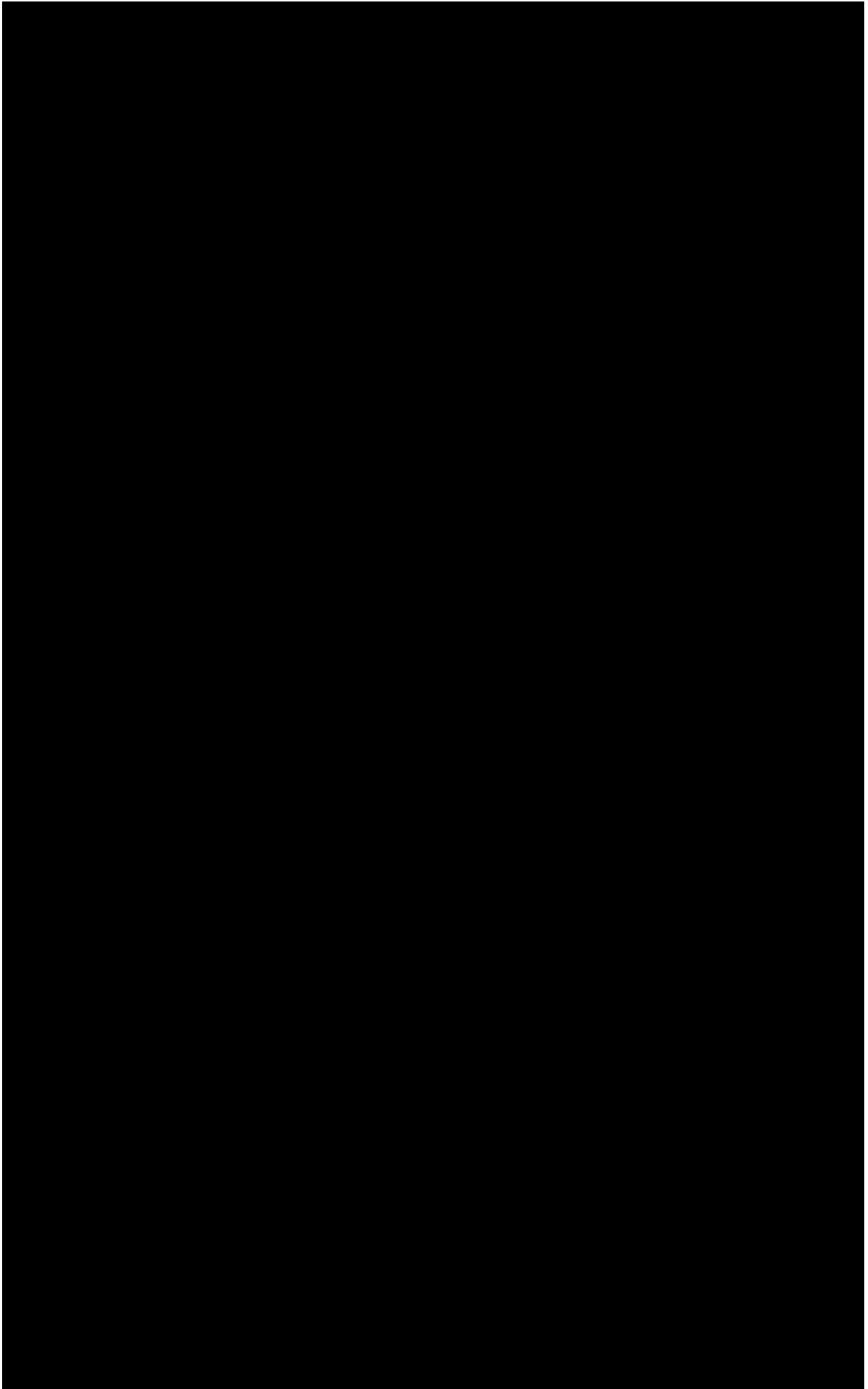
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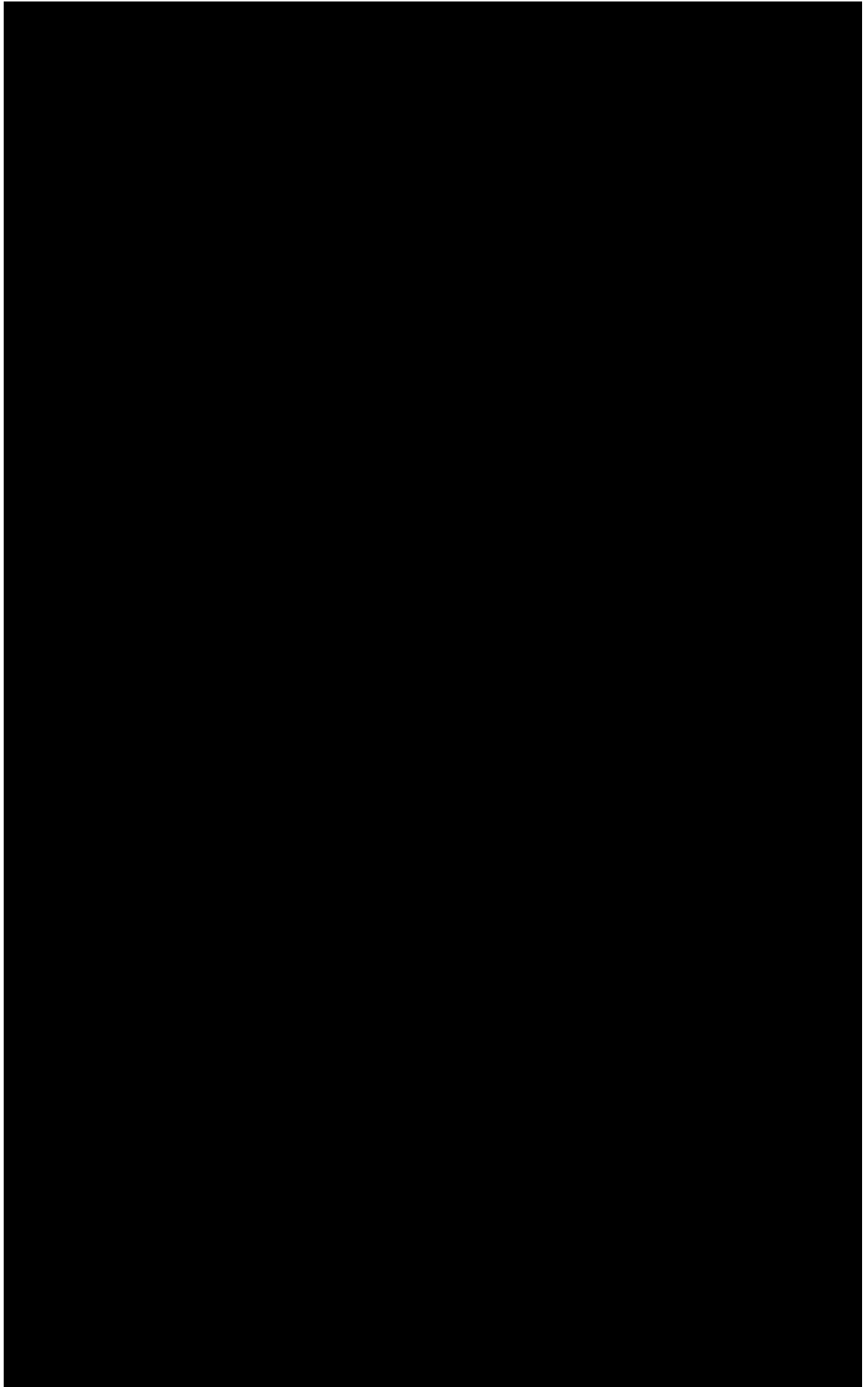
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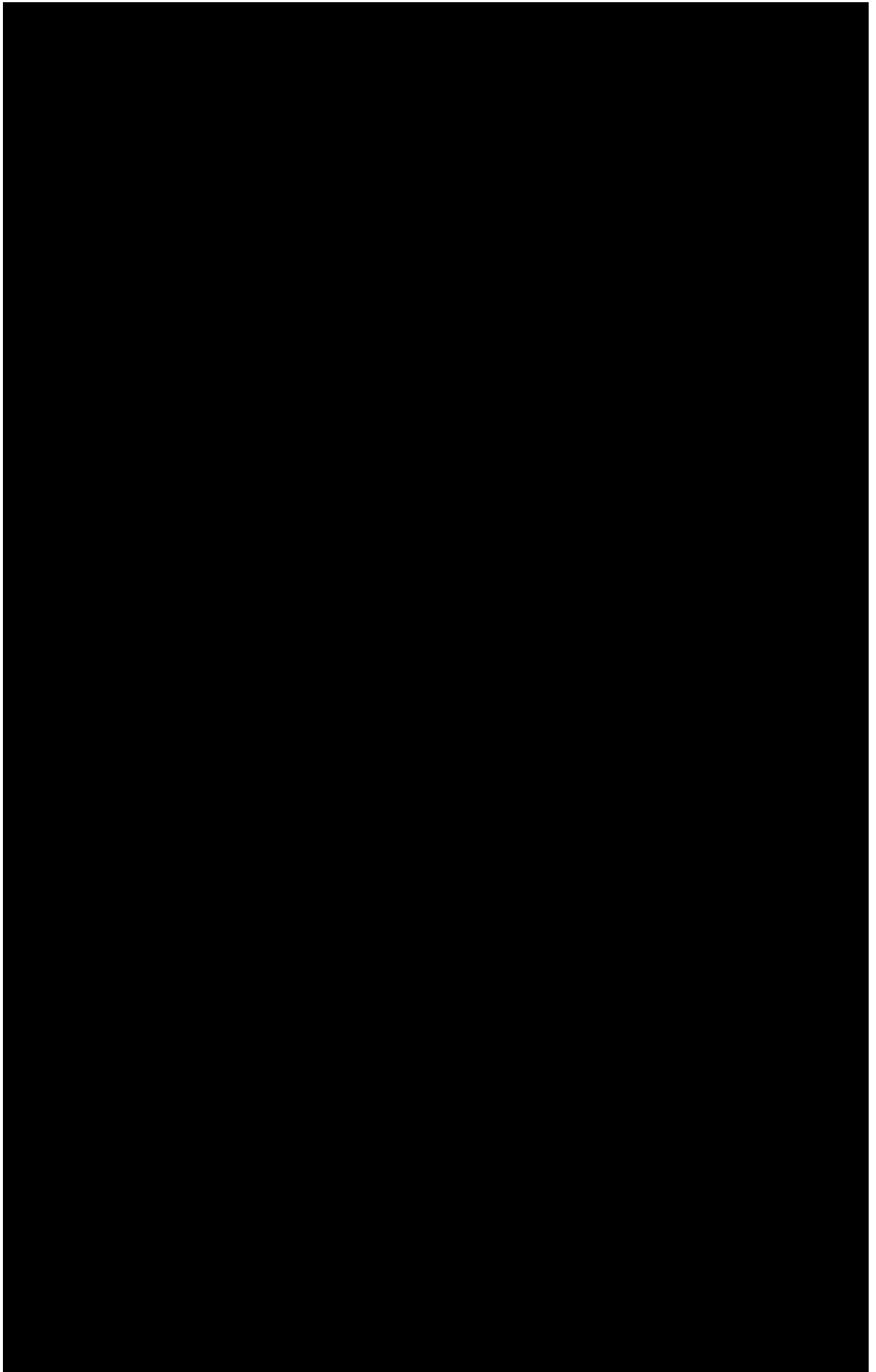
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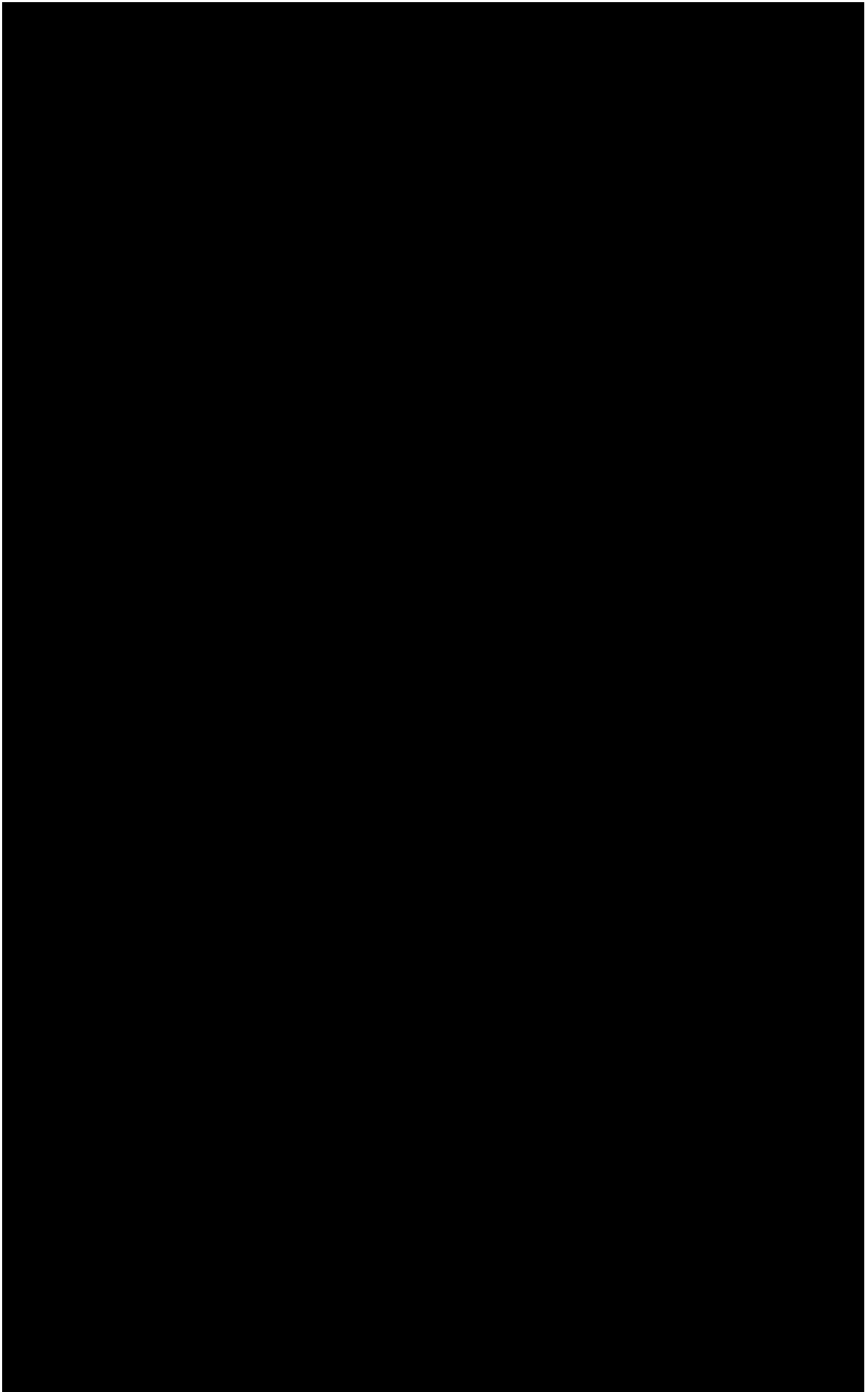
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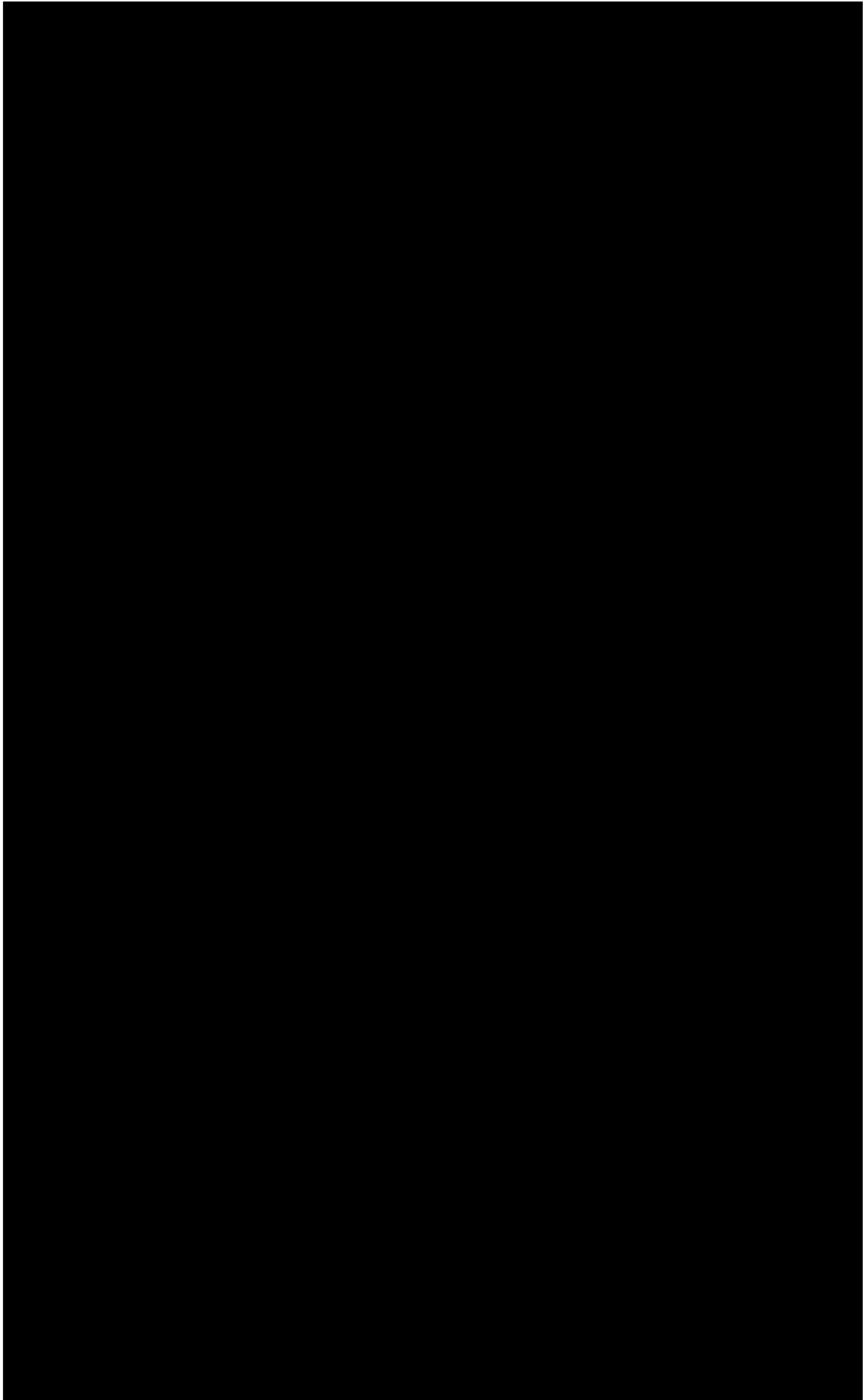
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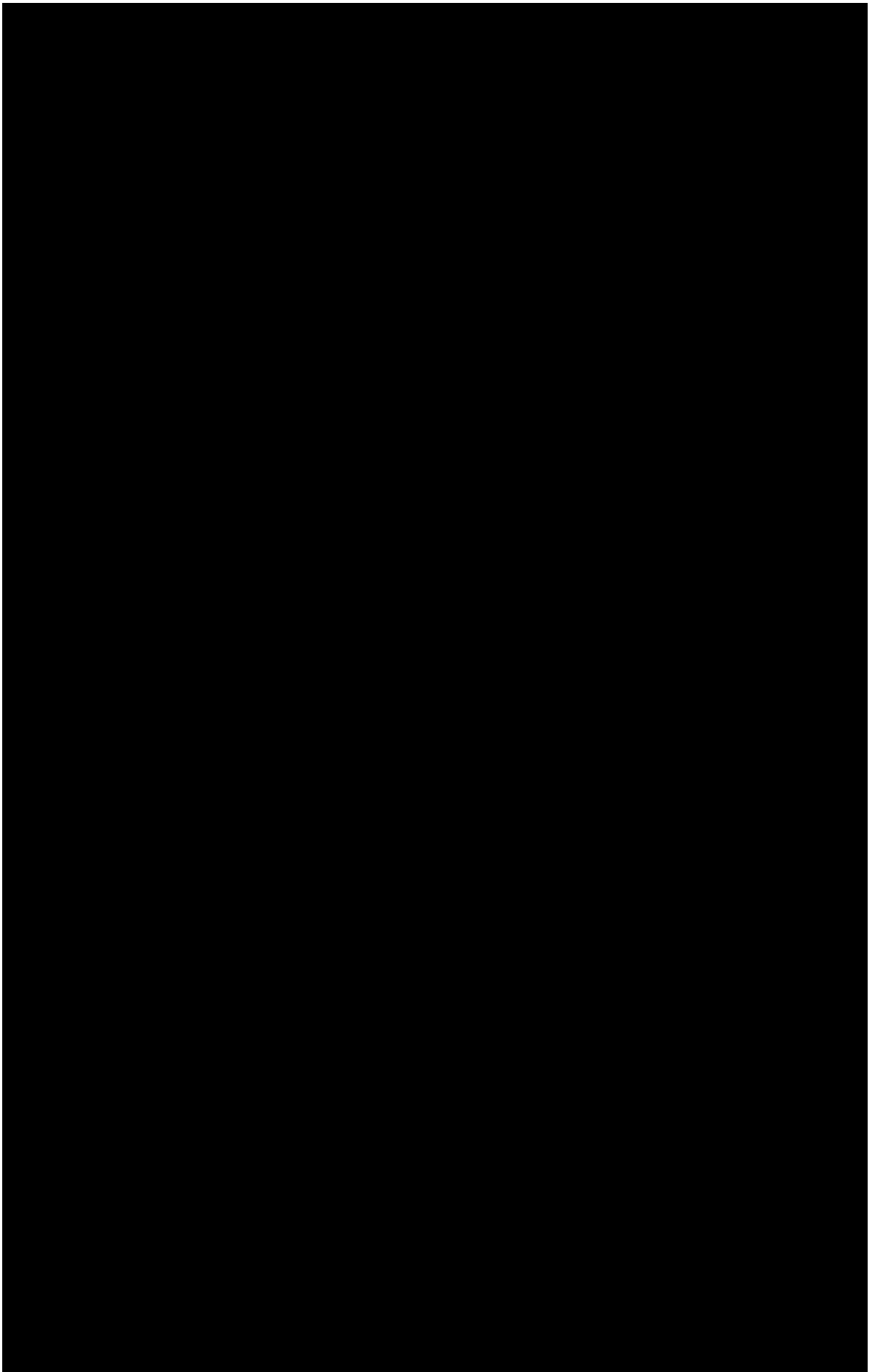
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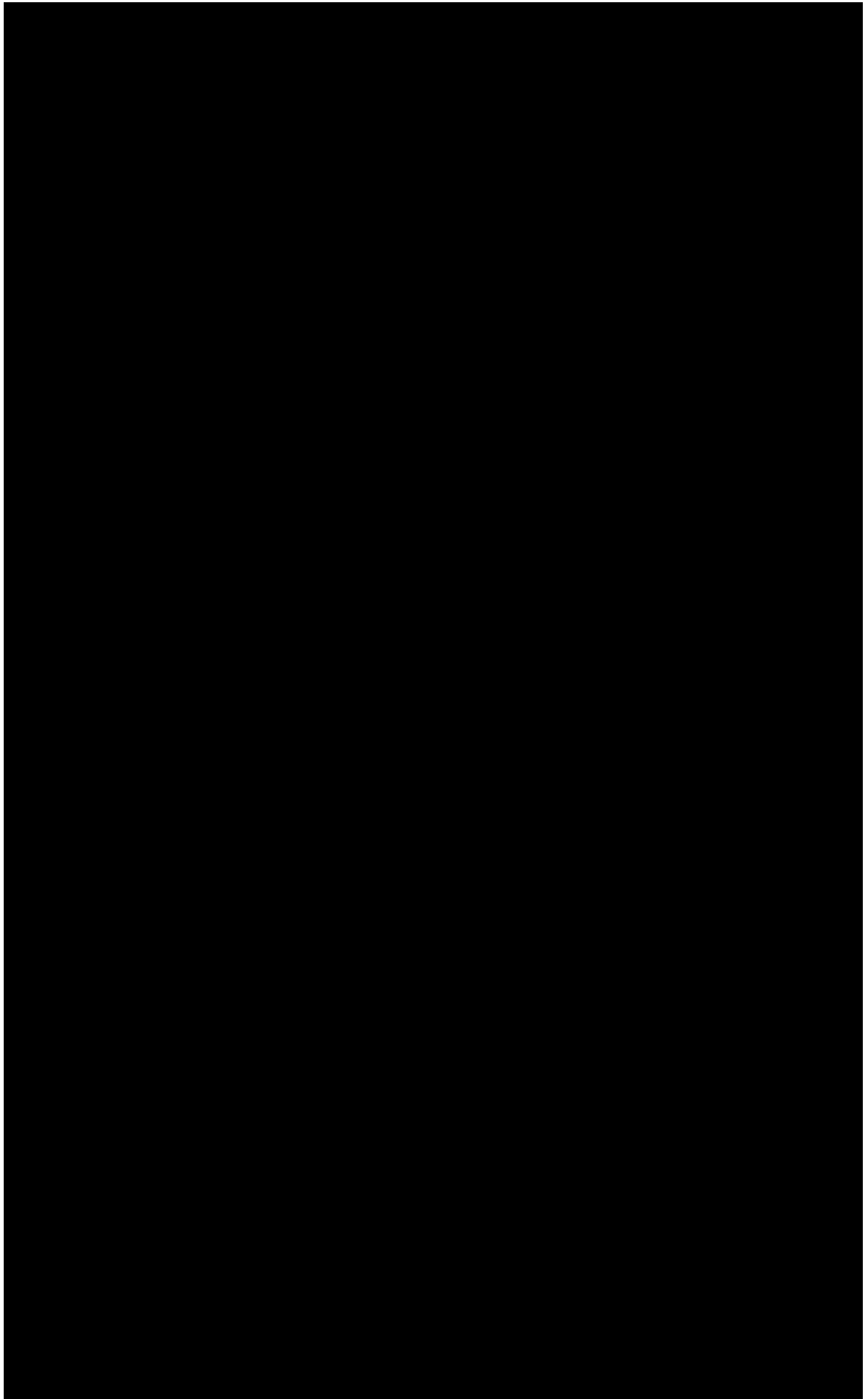
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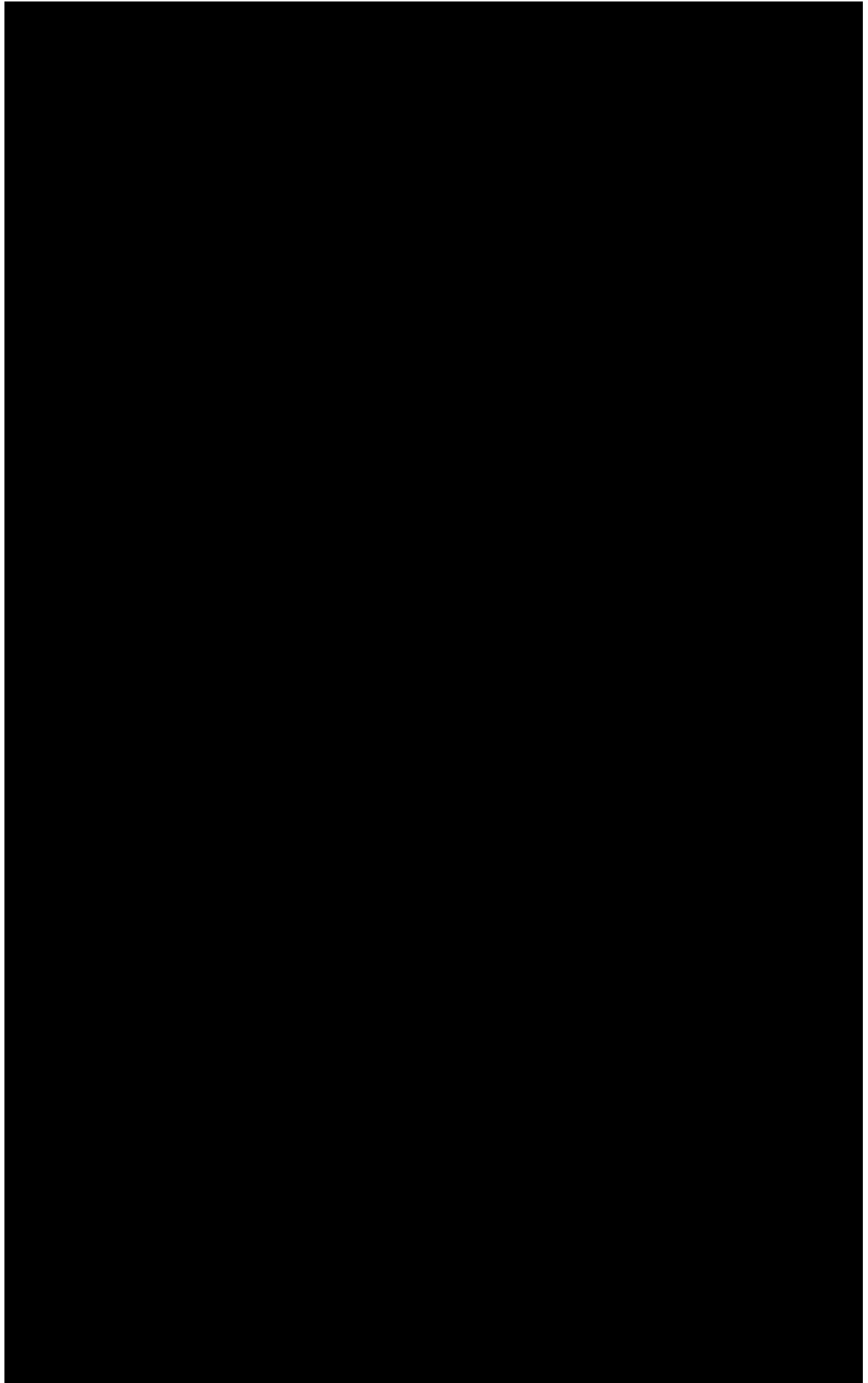
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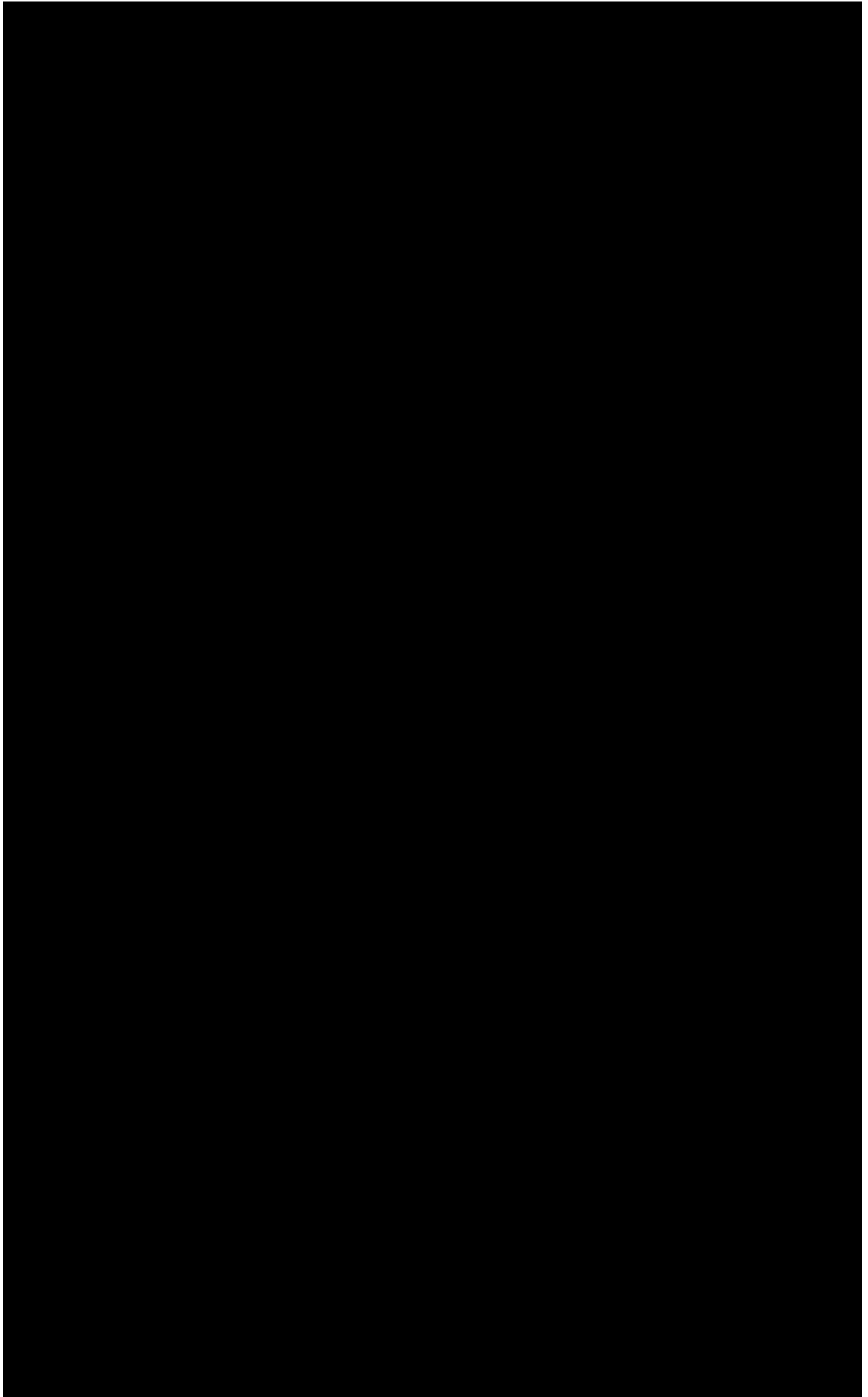
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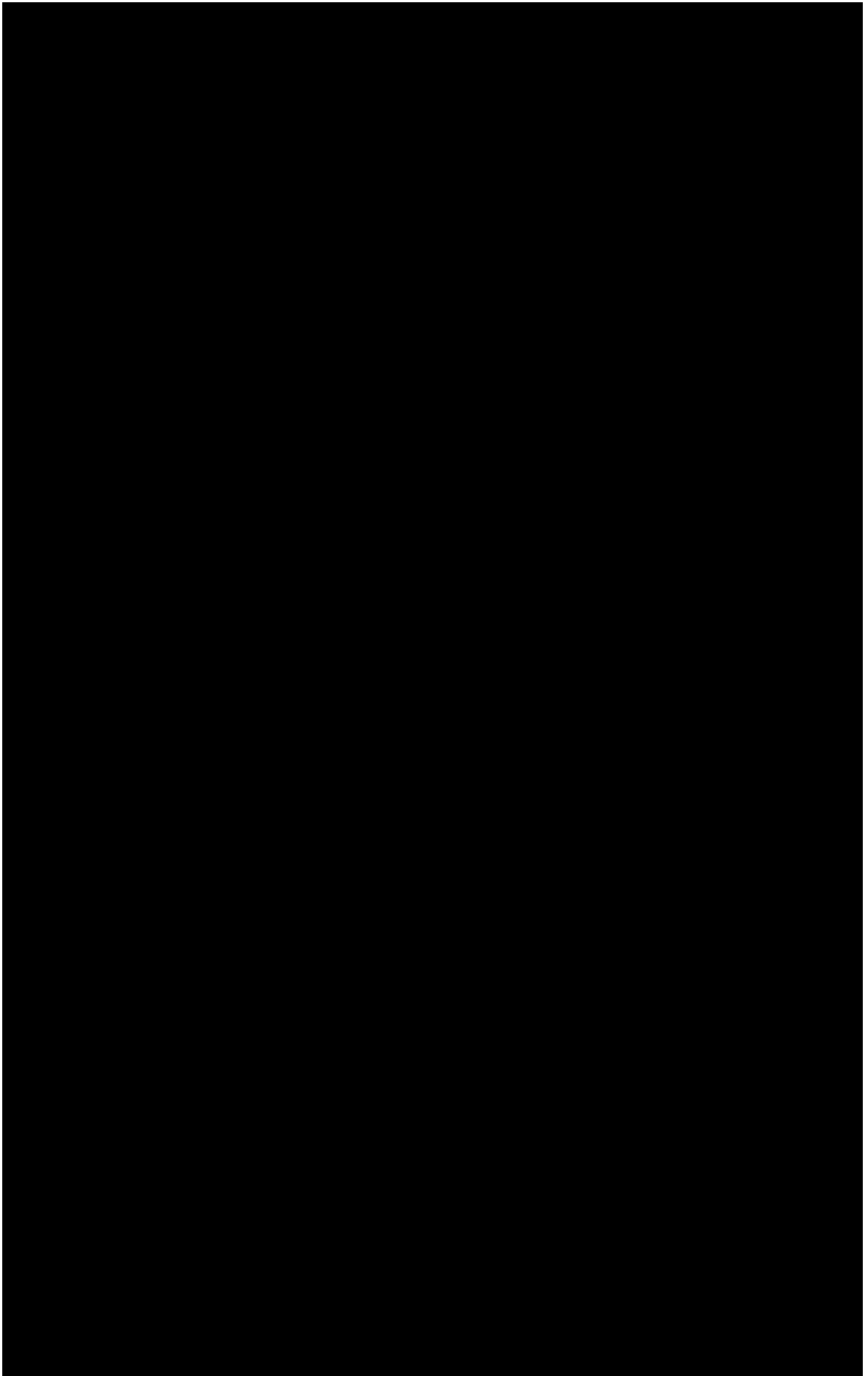
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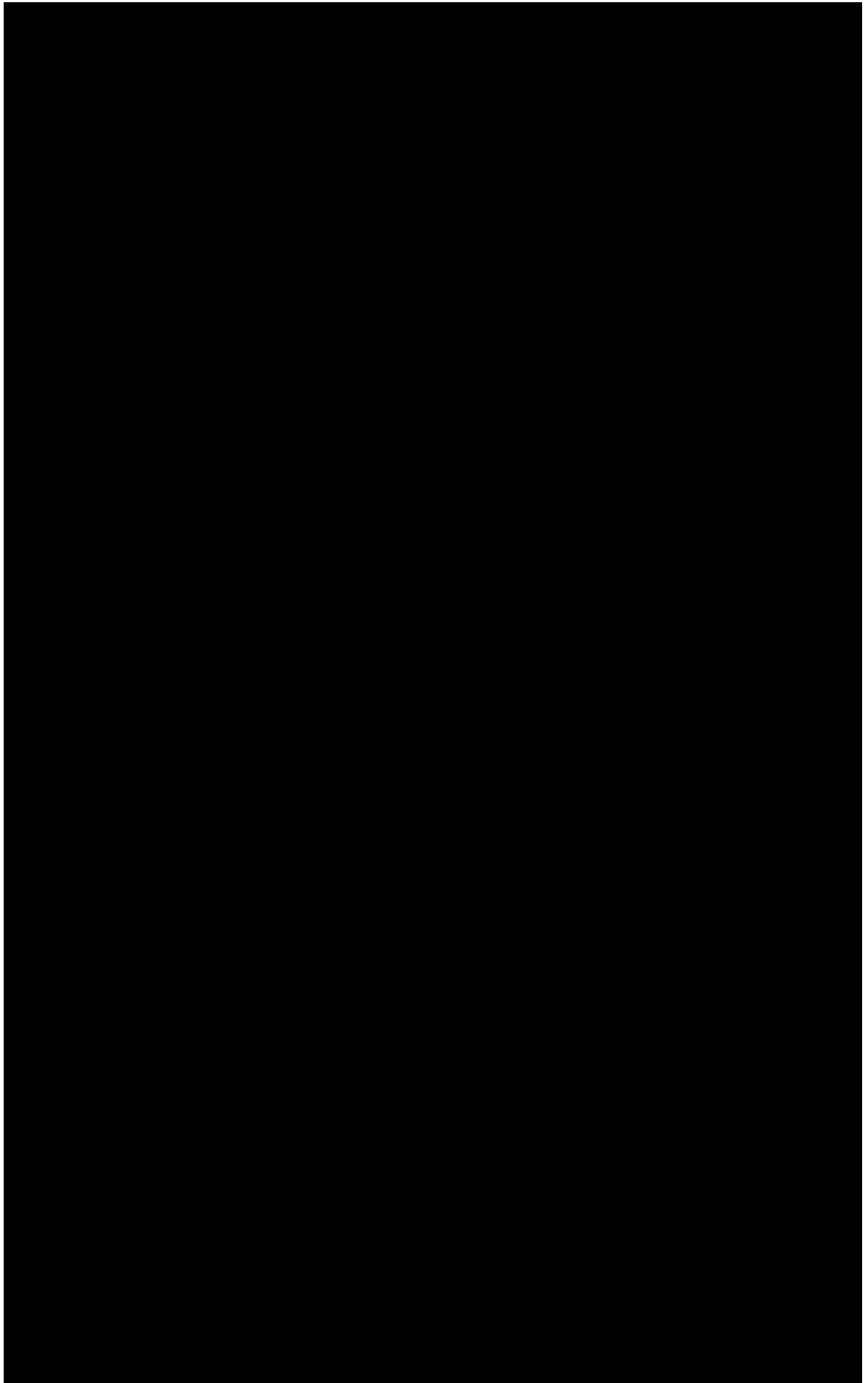
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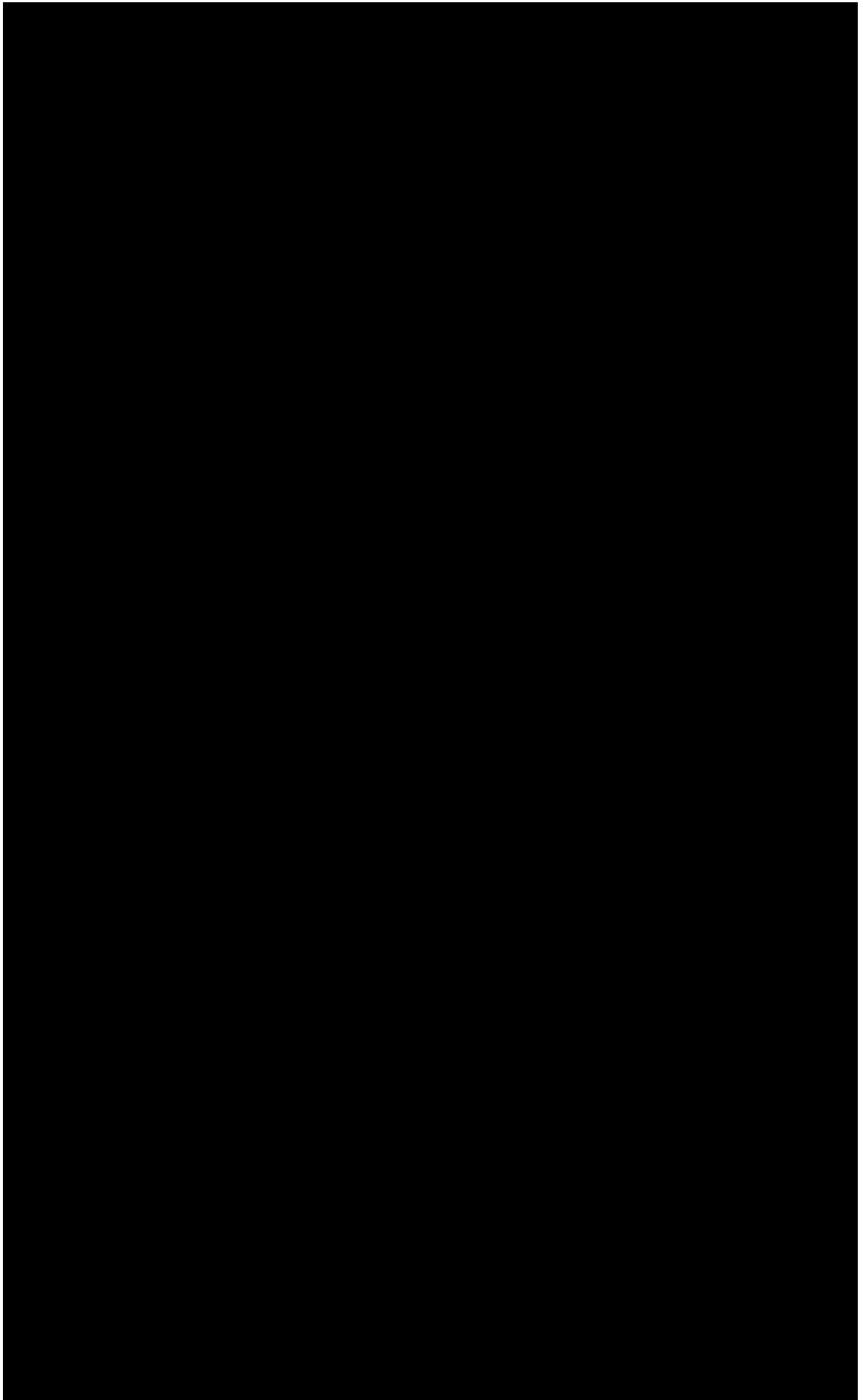
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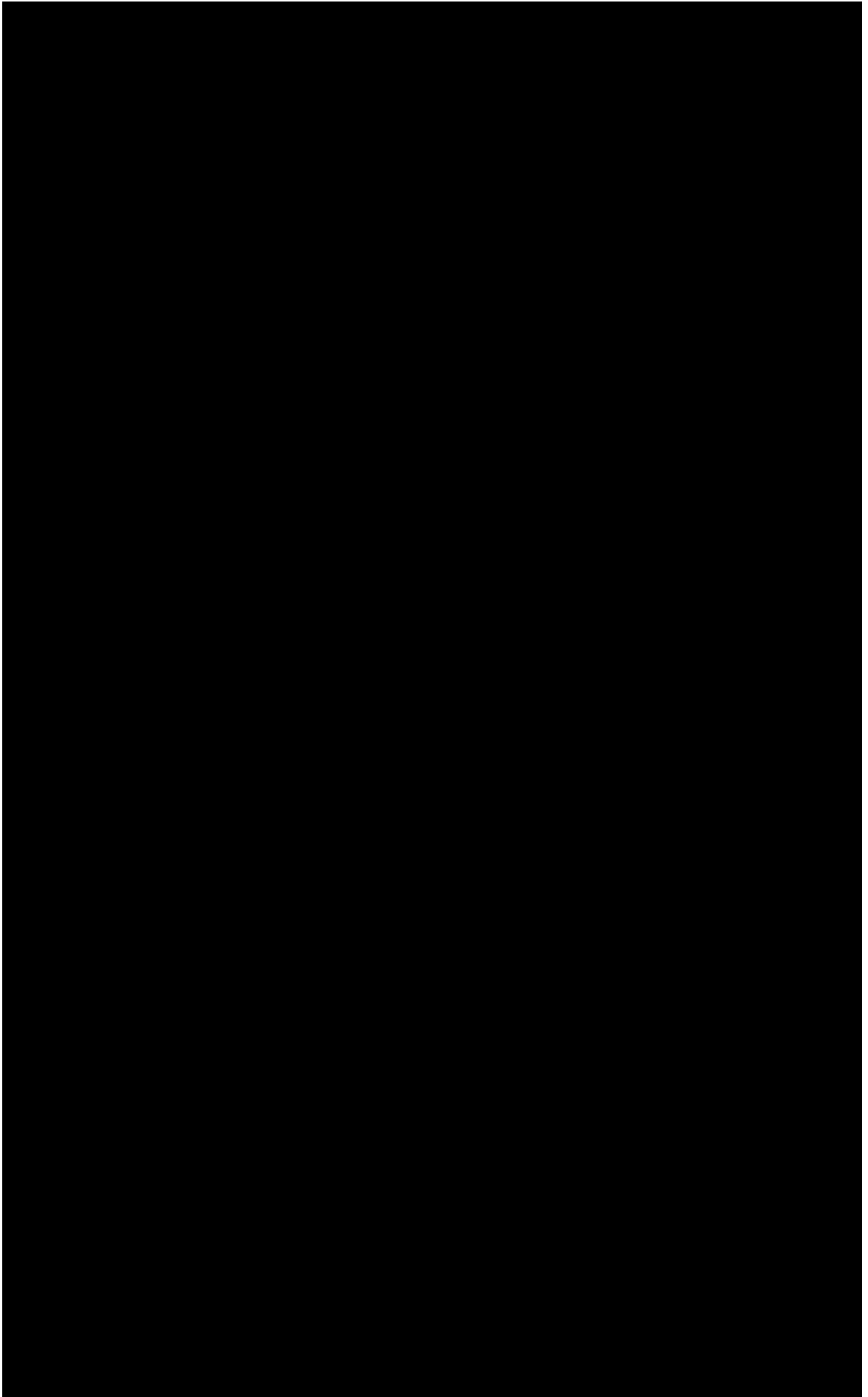
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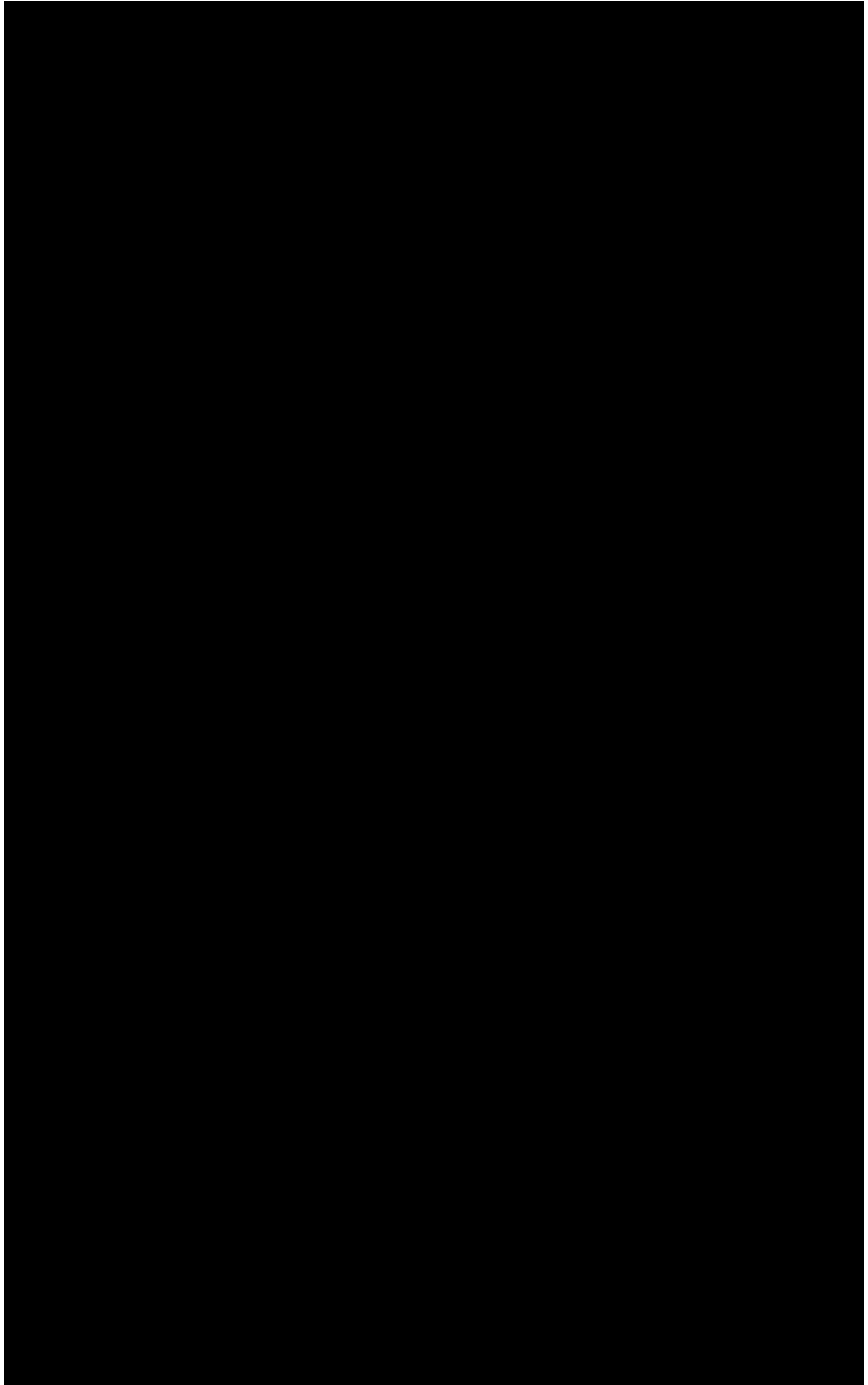
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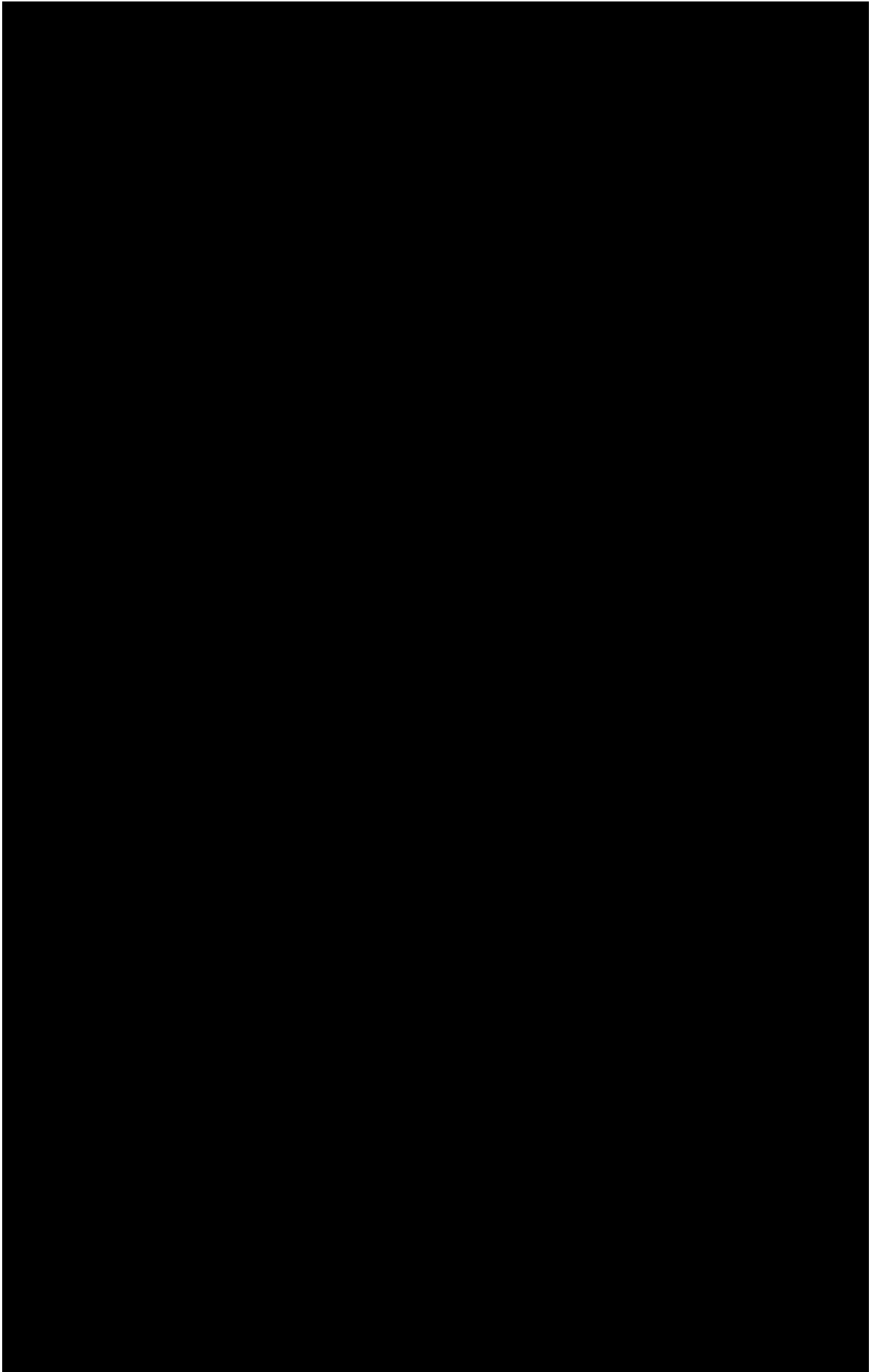
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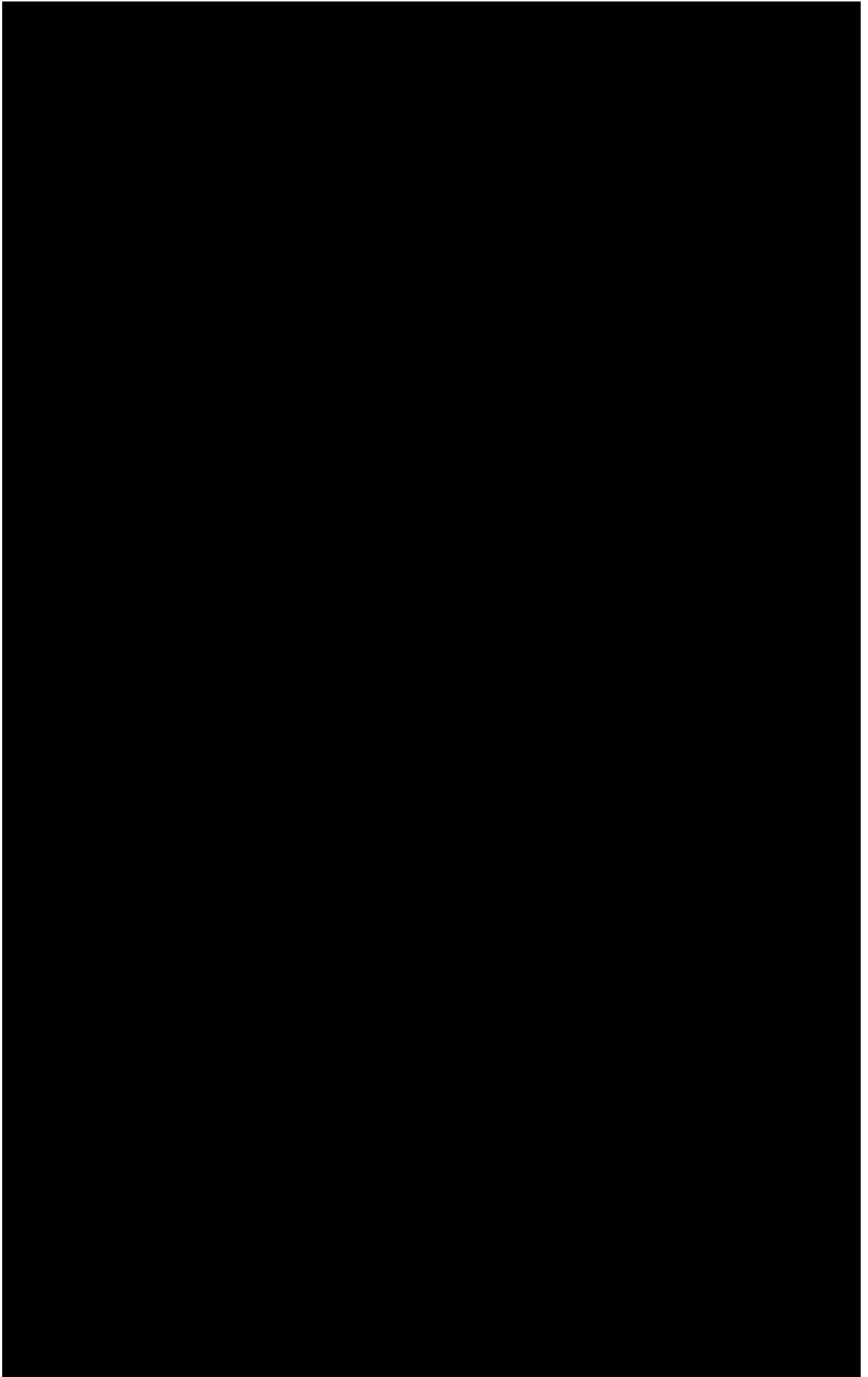
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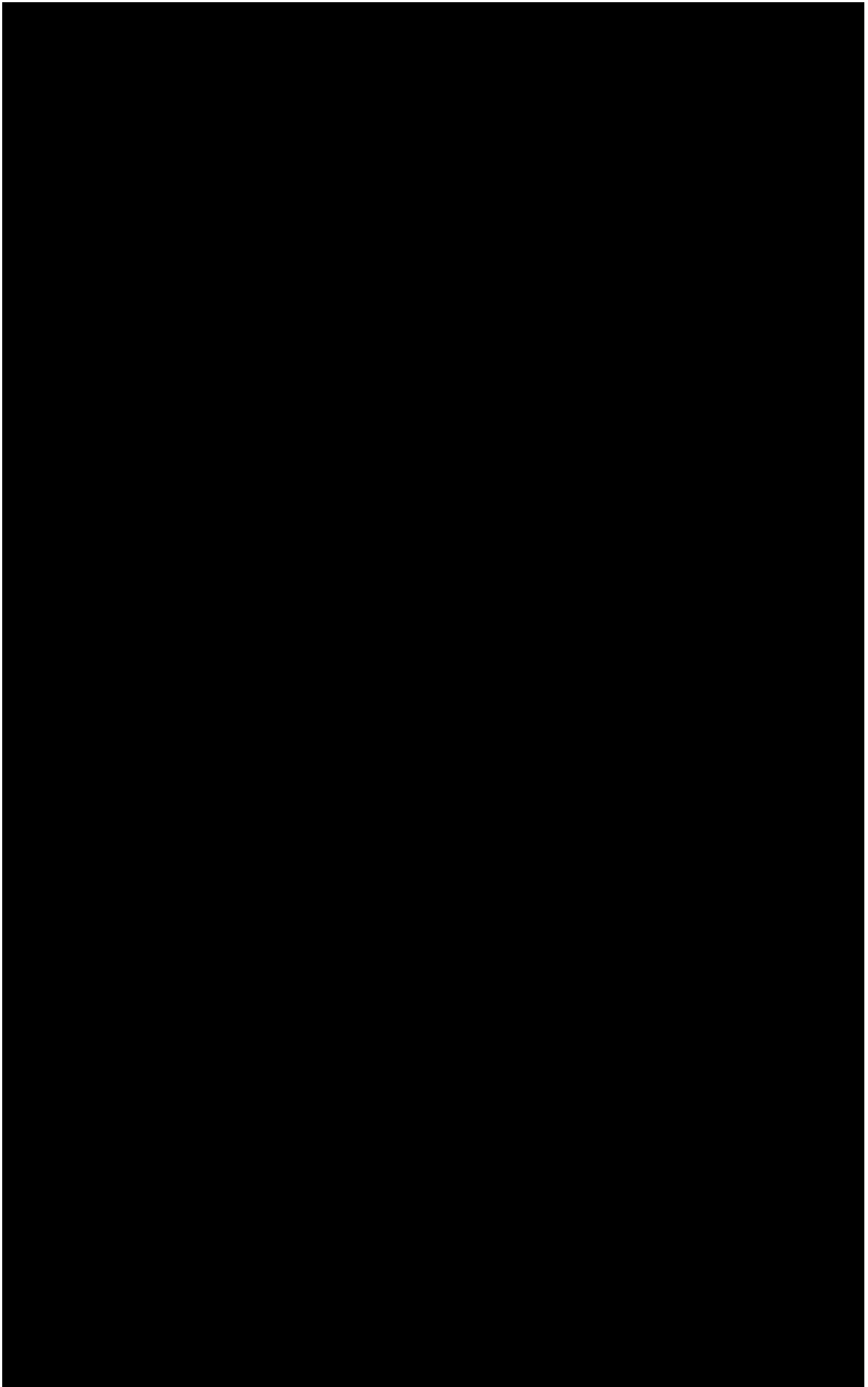
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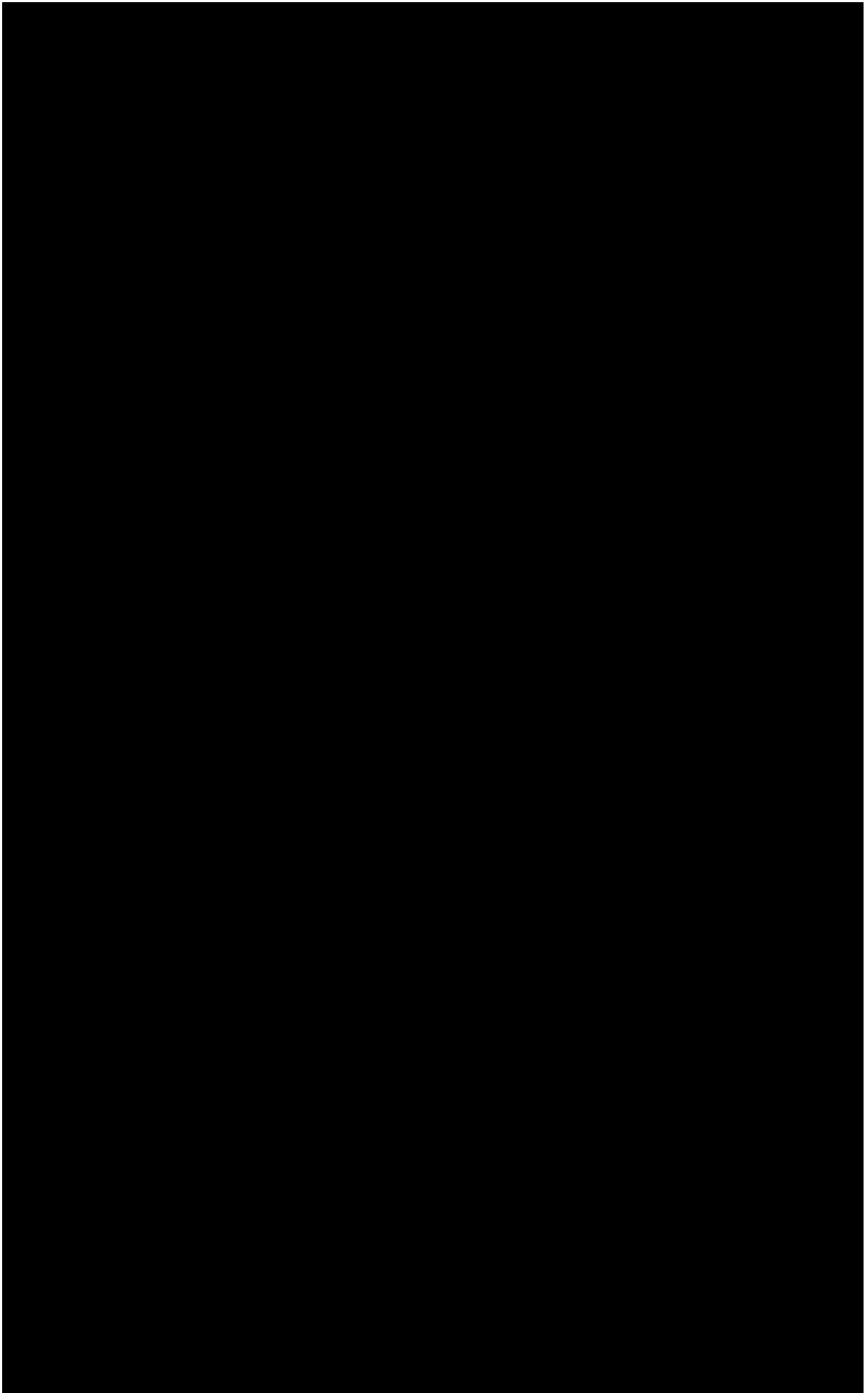
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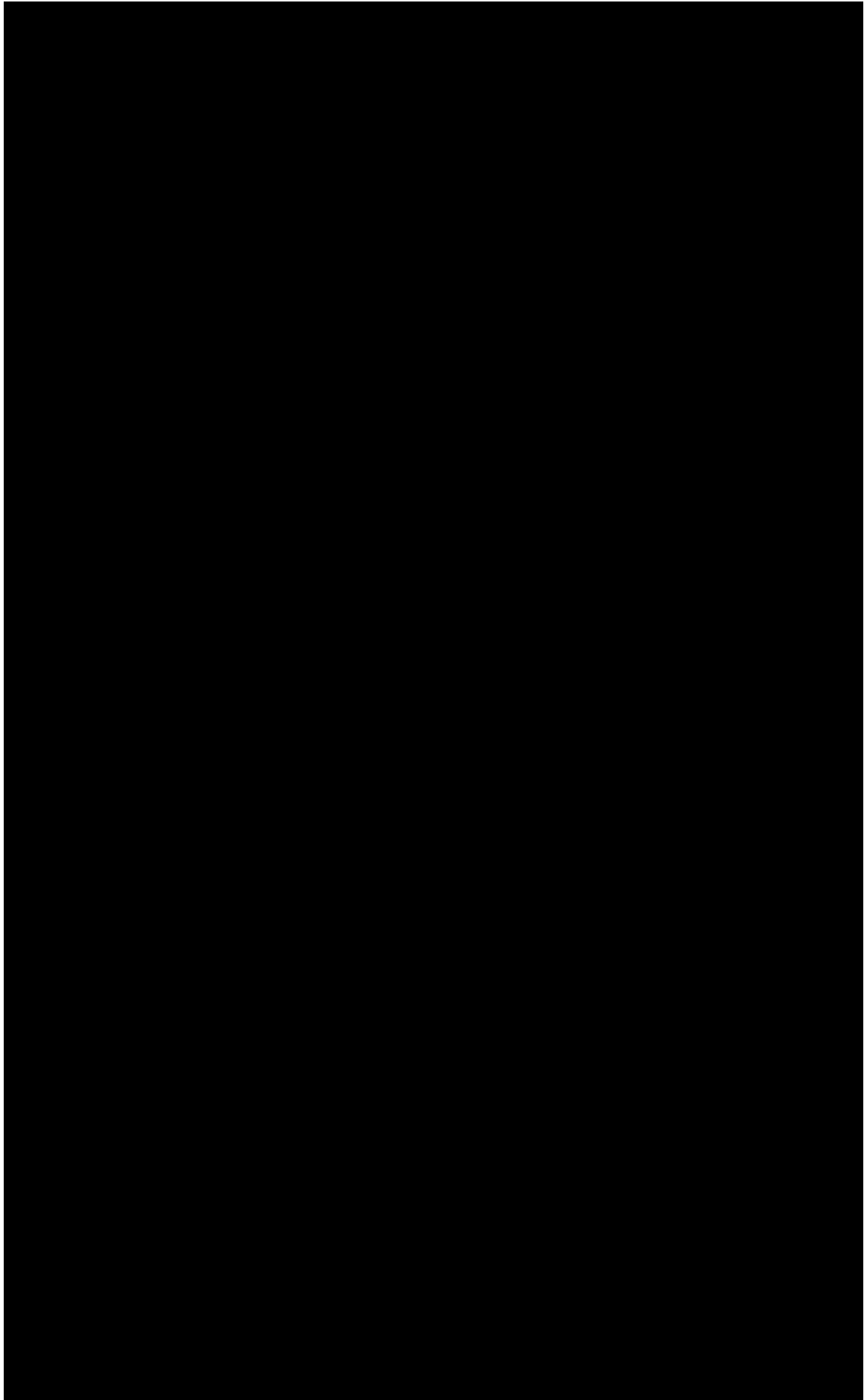
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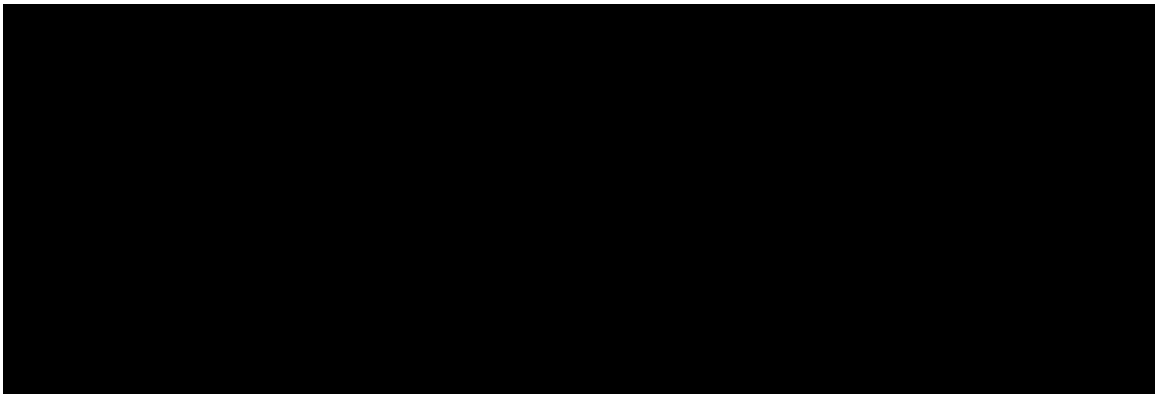
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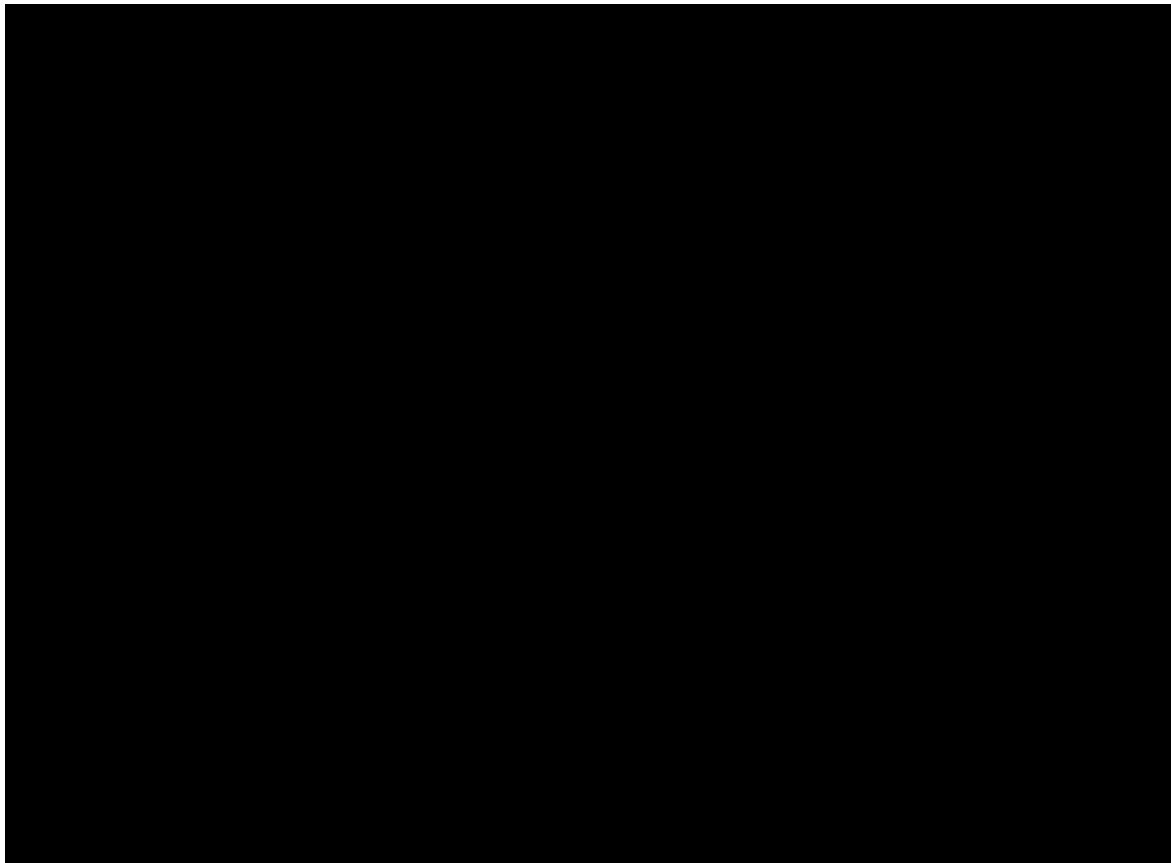
MS. MILLER: Jim, we've been going for a while. Can we take a quick break?

MR. DE ROCHE: Sure.

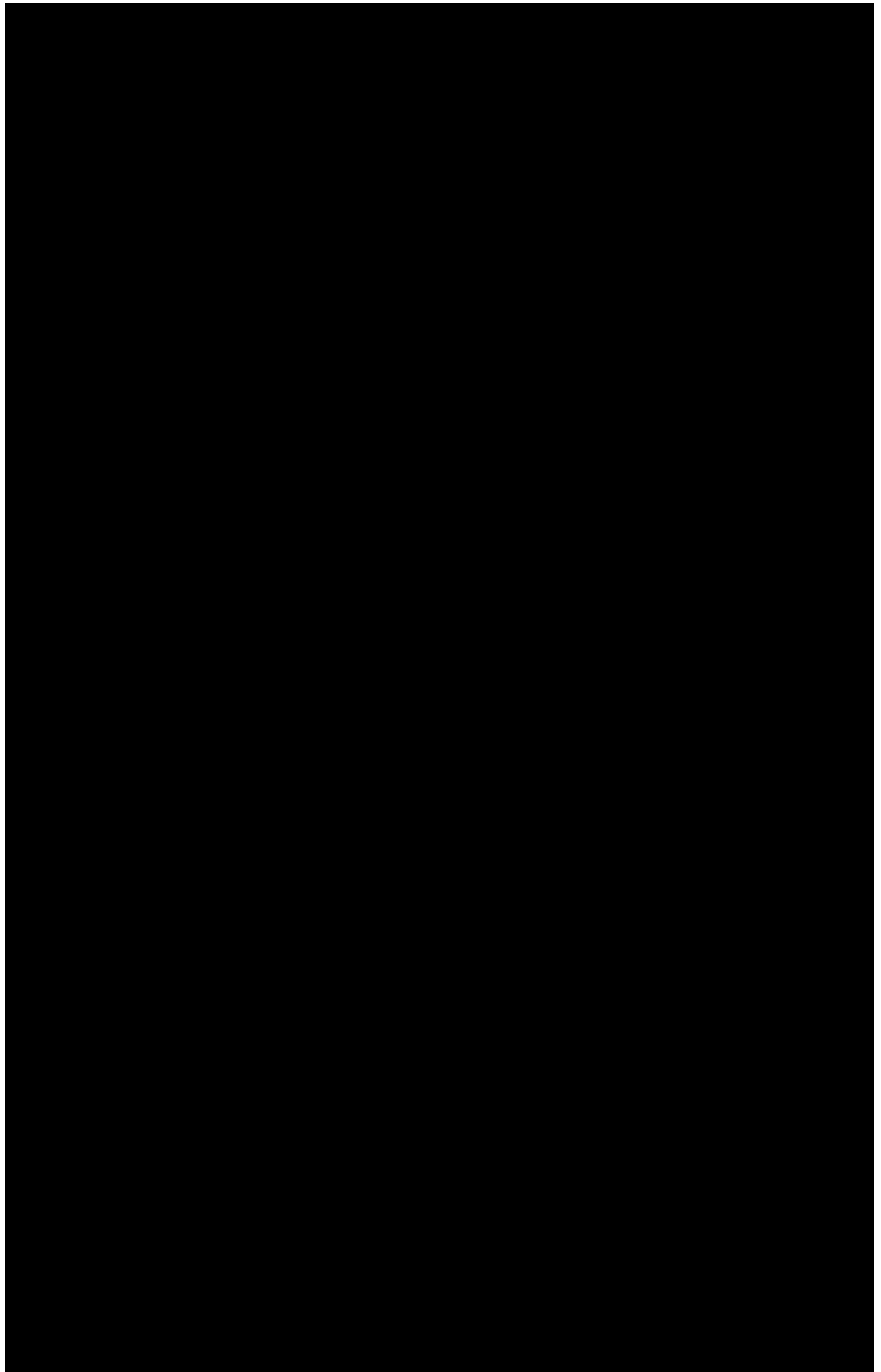
THE VIDEOGRAPHER: The time is 3:22 p.m., and we're going off the record.

(Recess.)

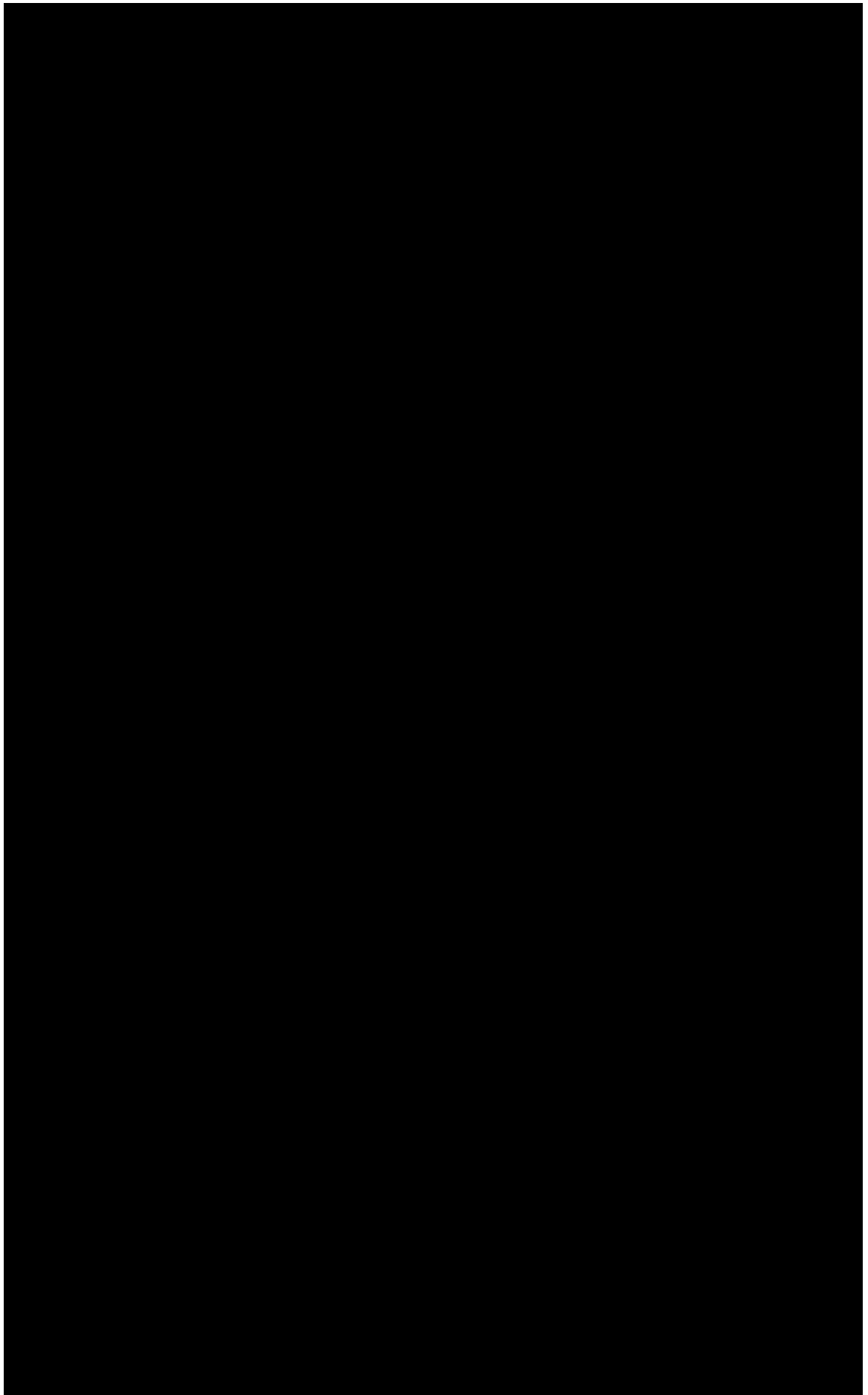
THE VIDEOGRAPHER: The time is 3:33 p.m., and we're back on the record.



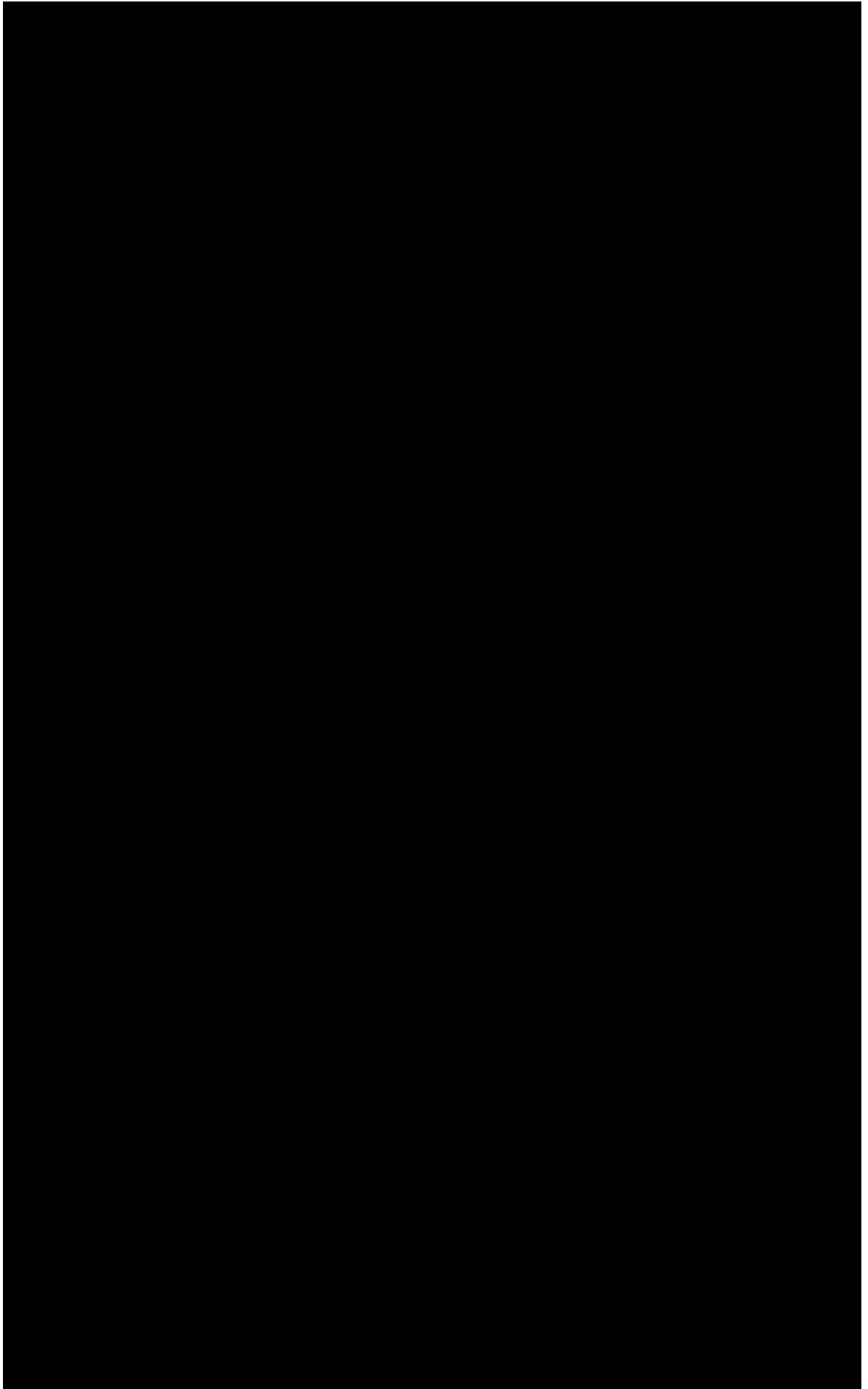
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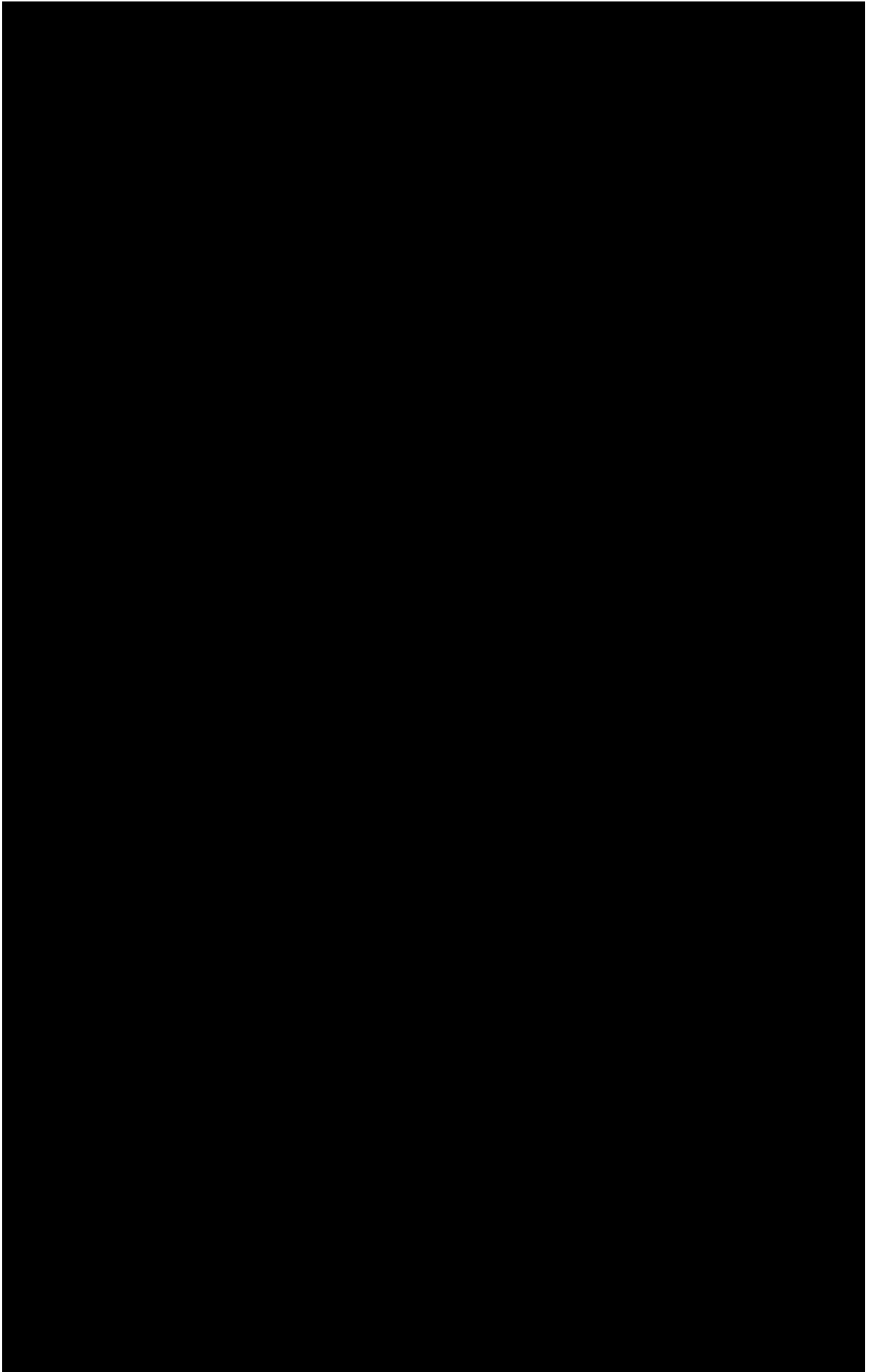
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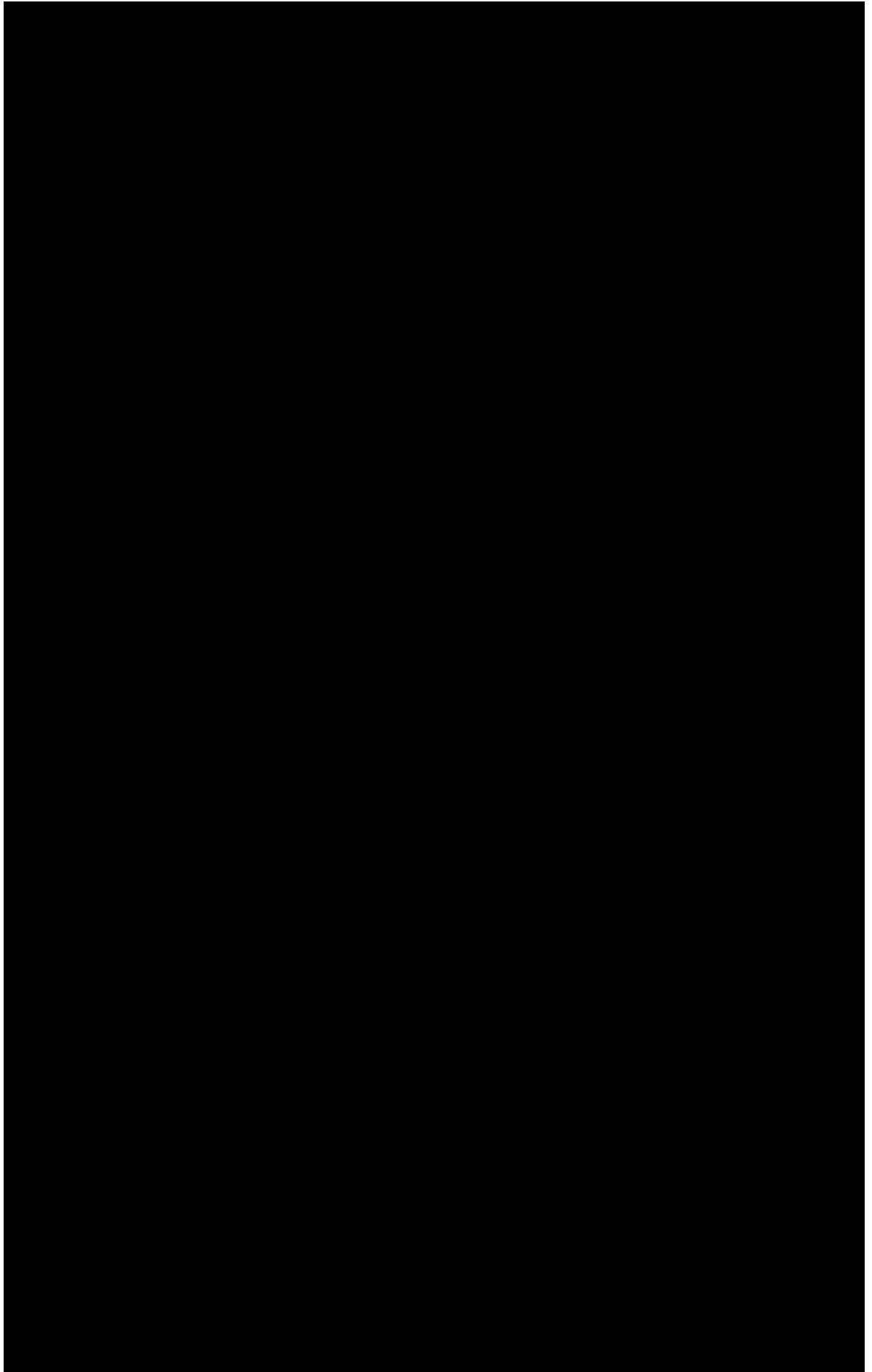
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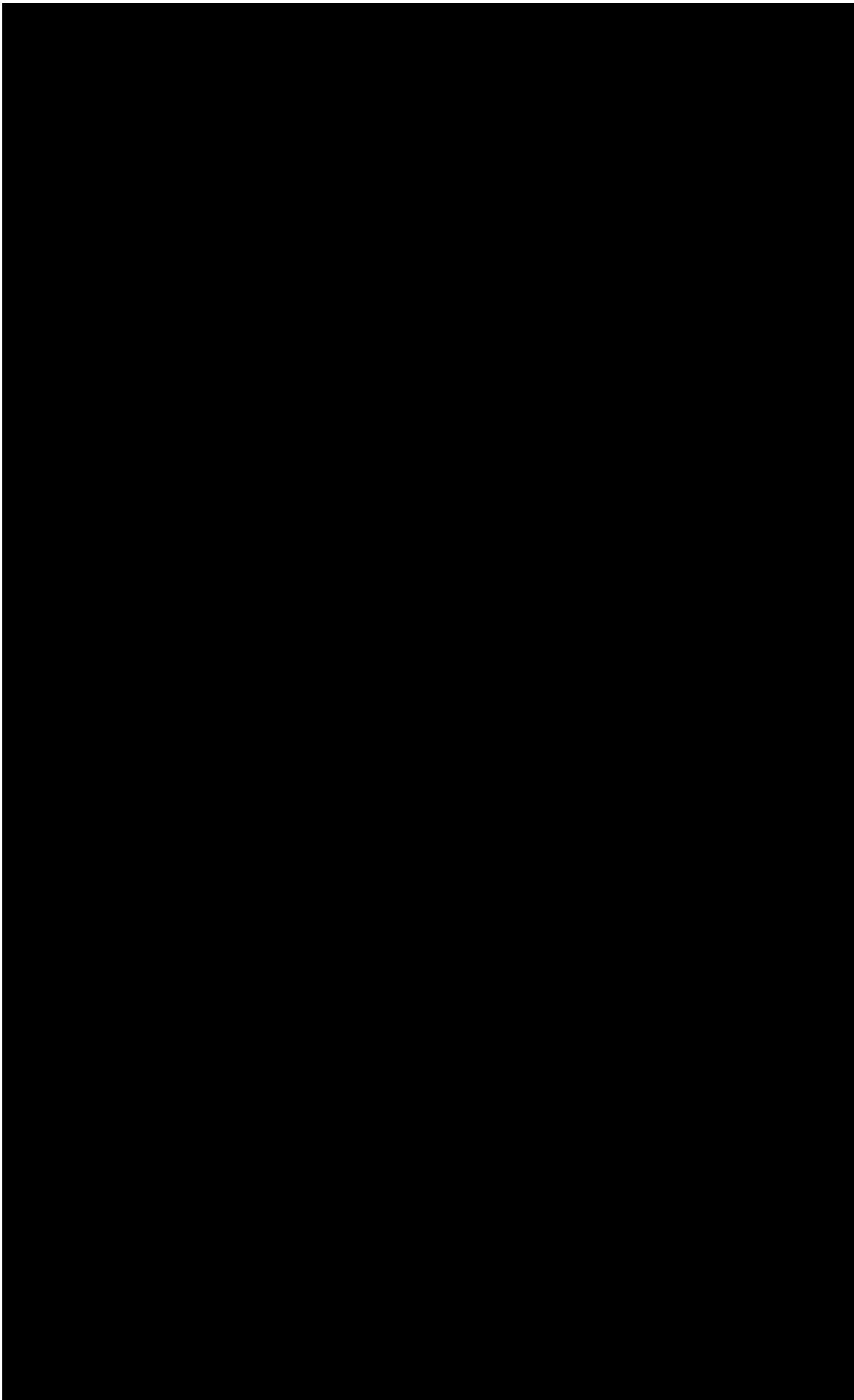
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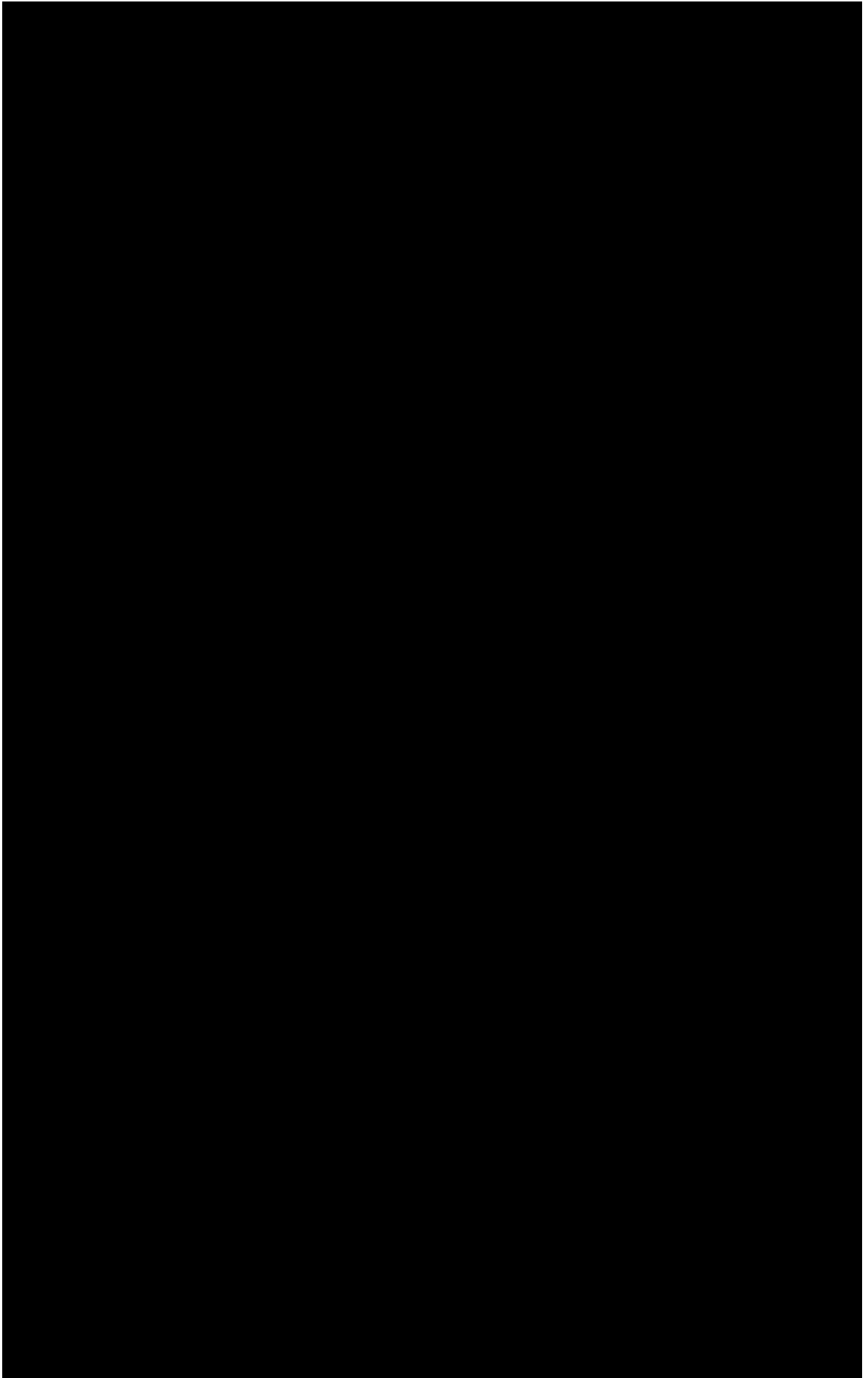
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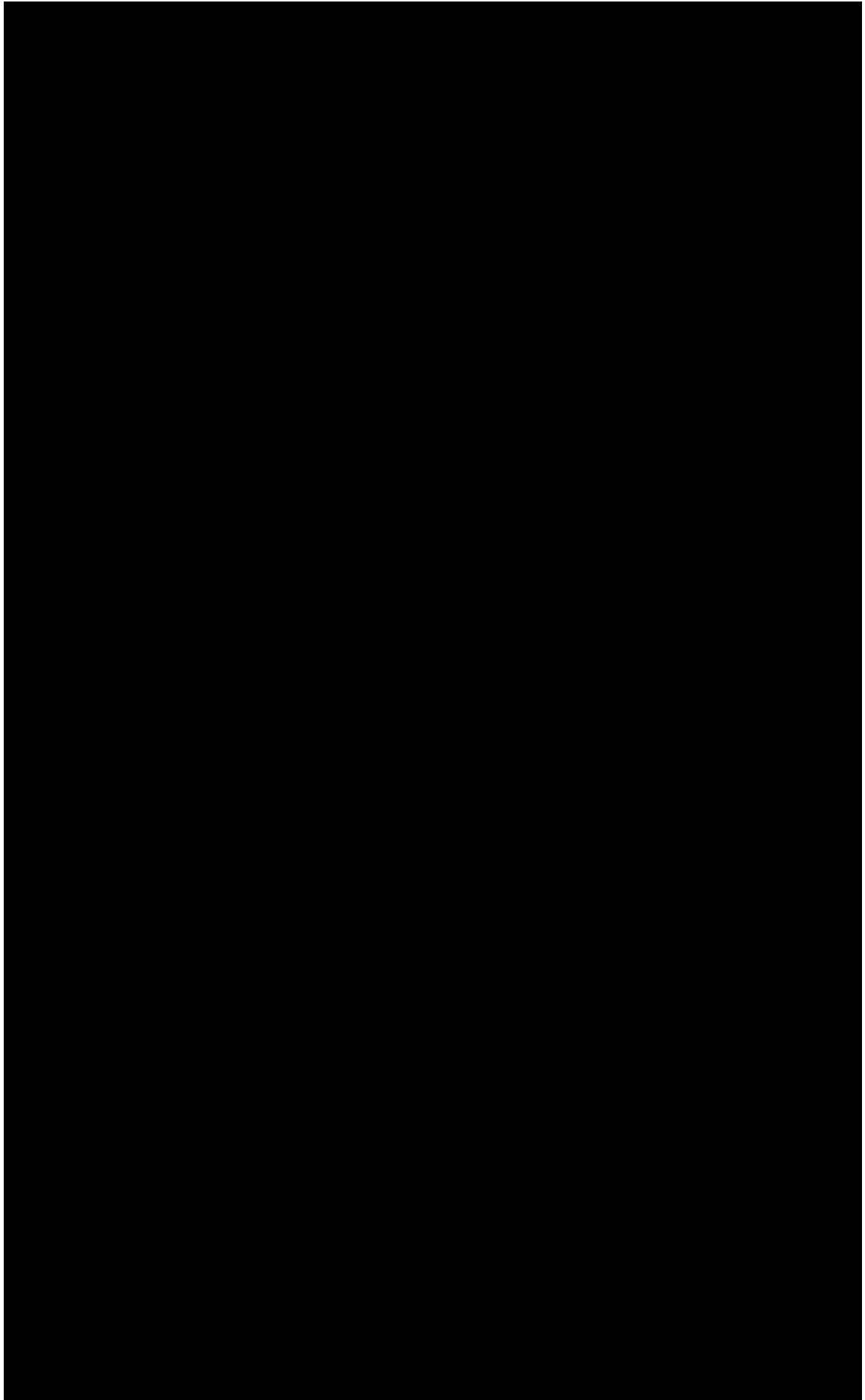
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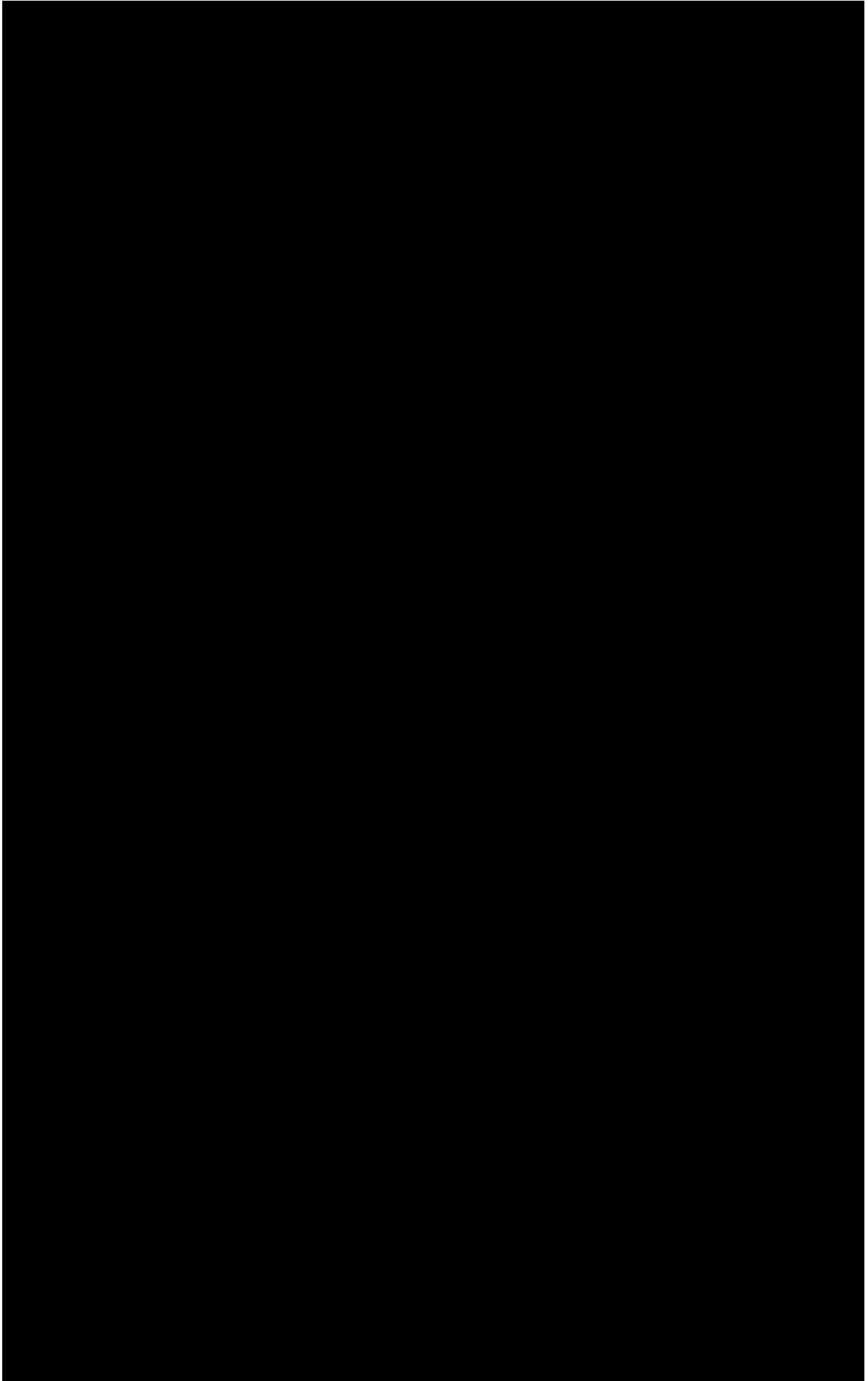
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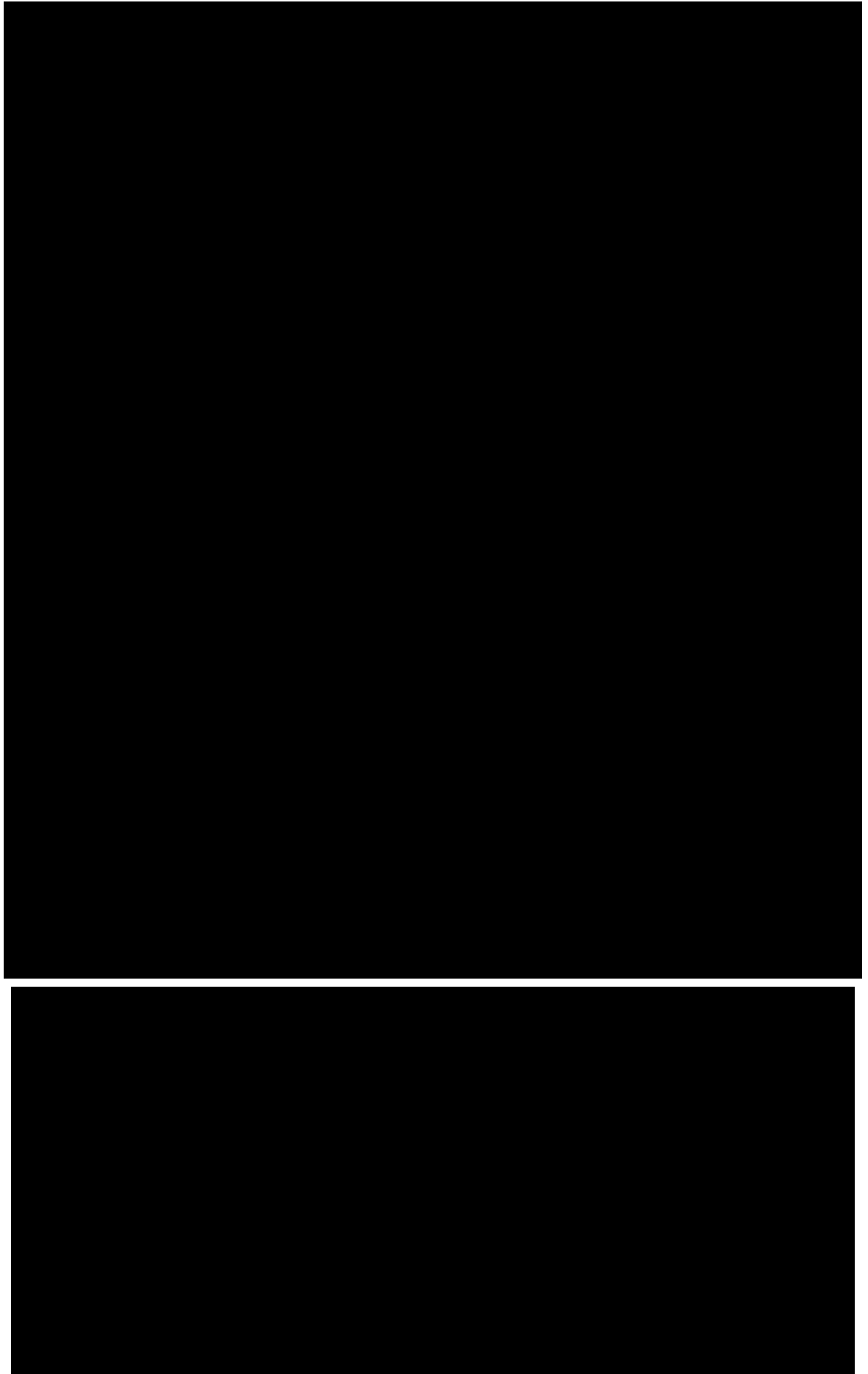
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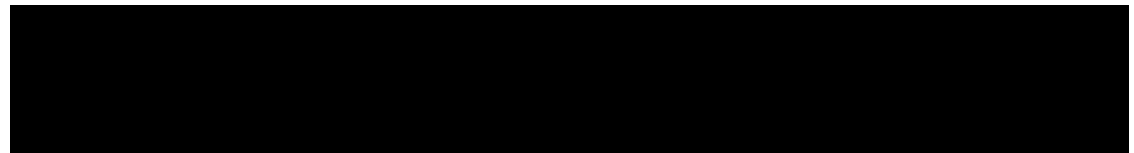
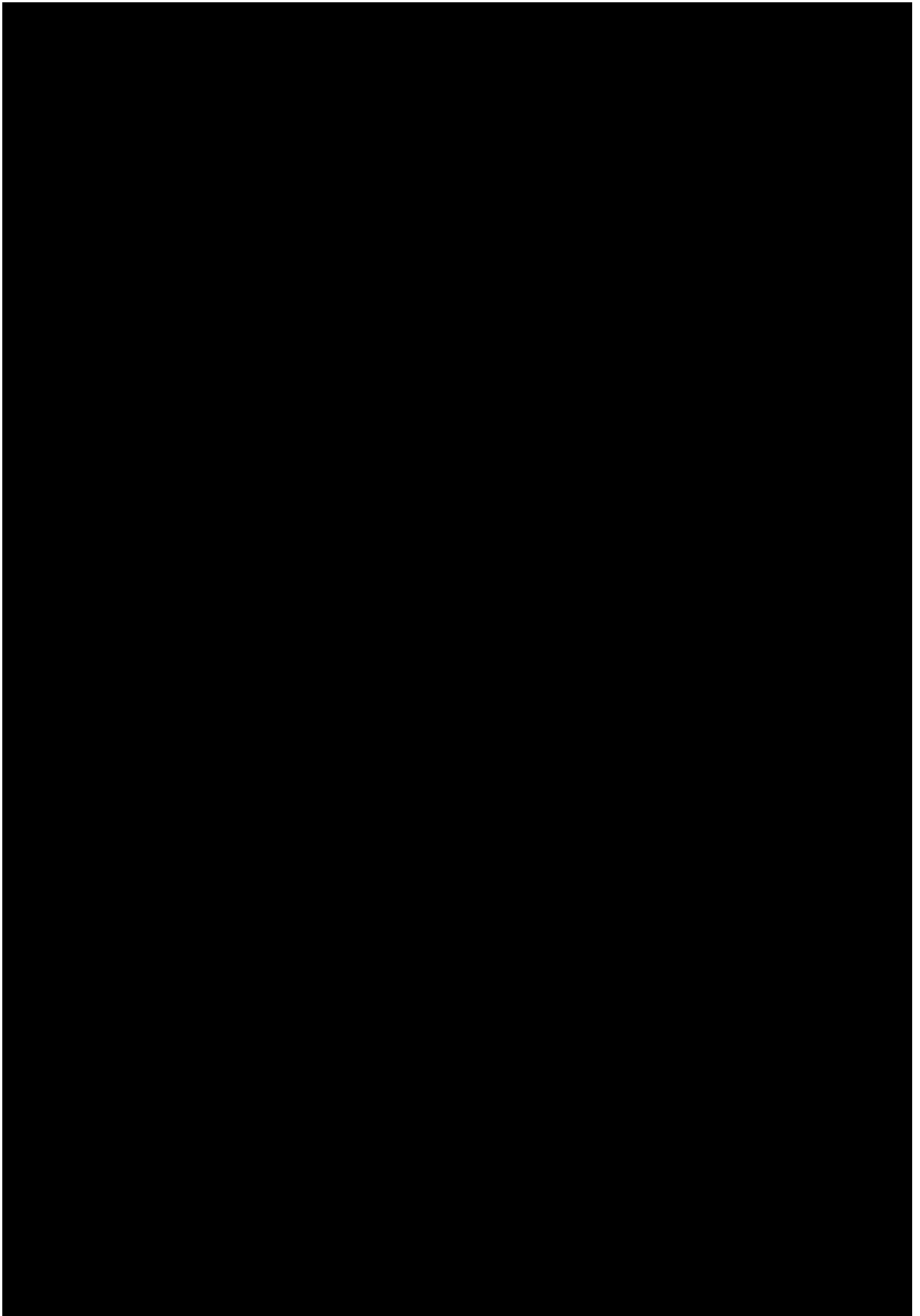
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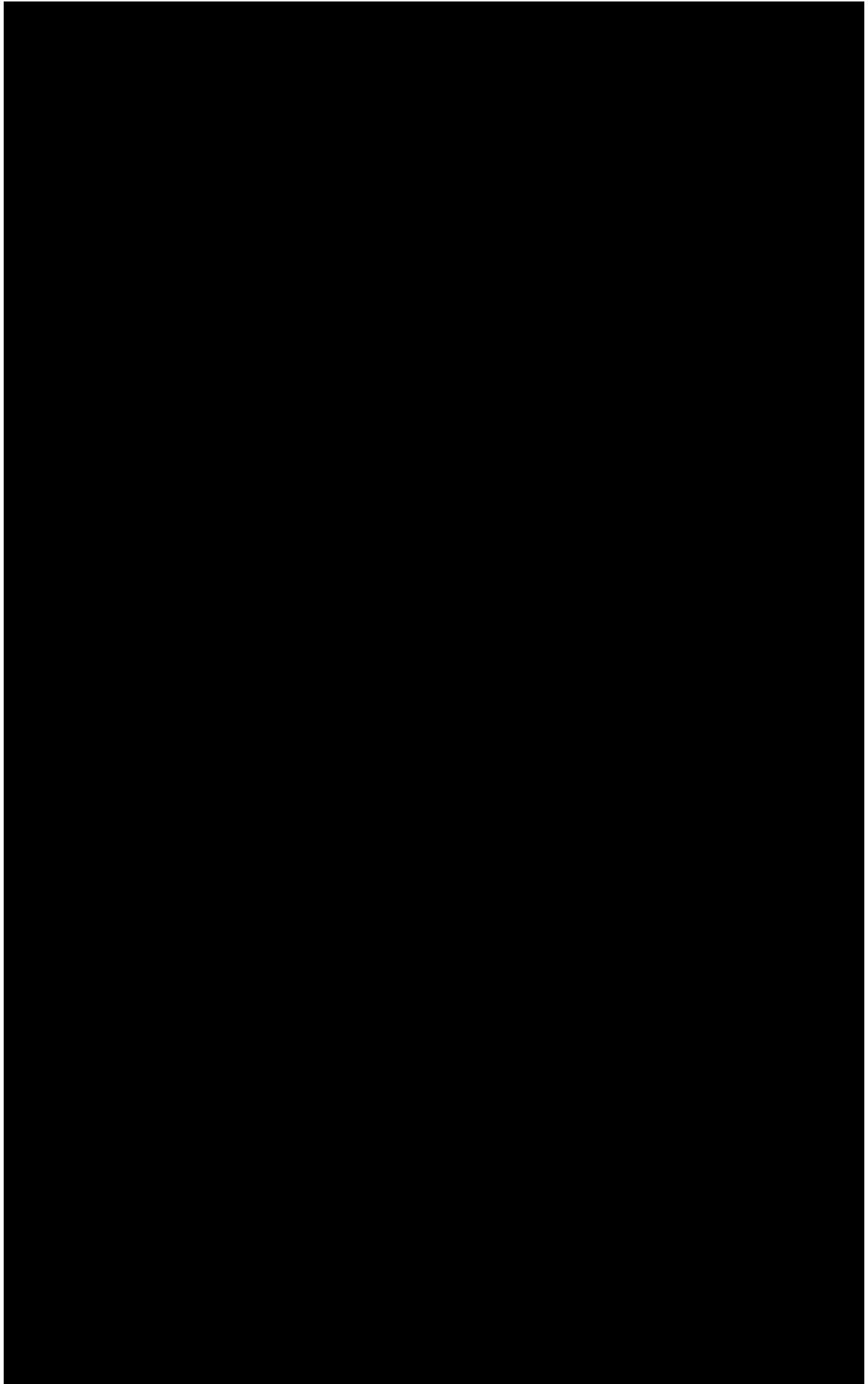
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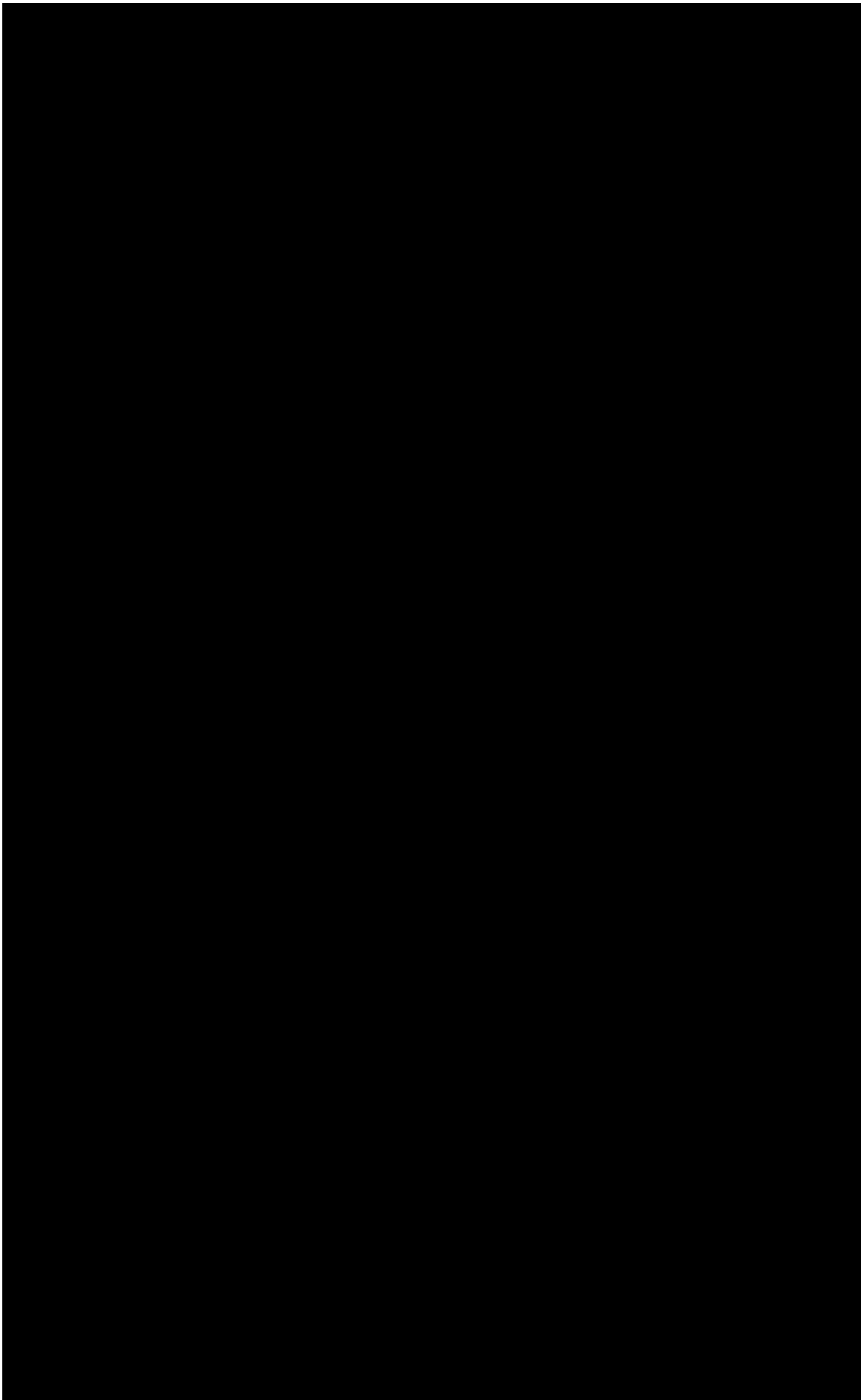
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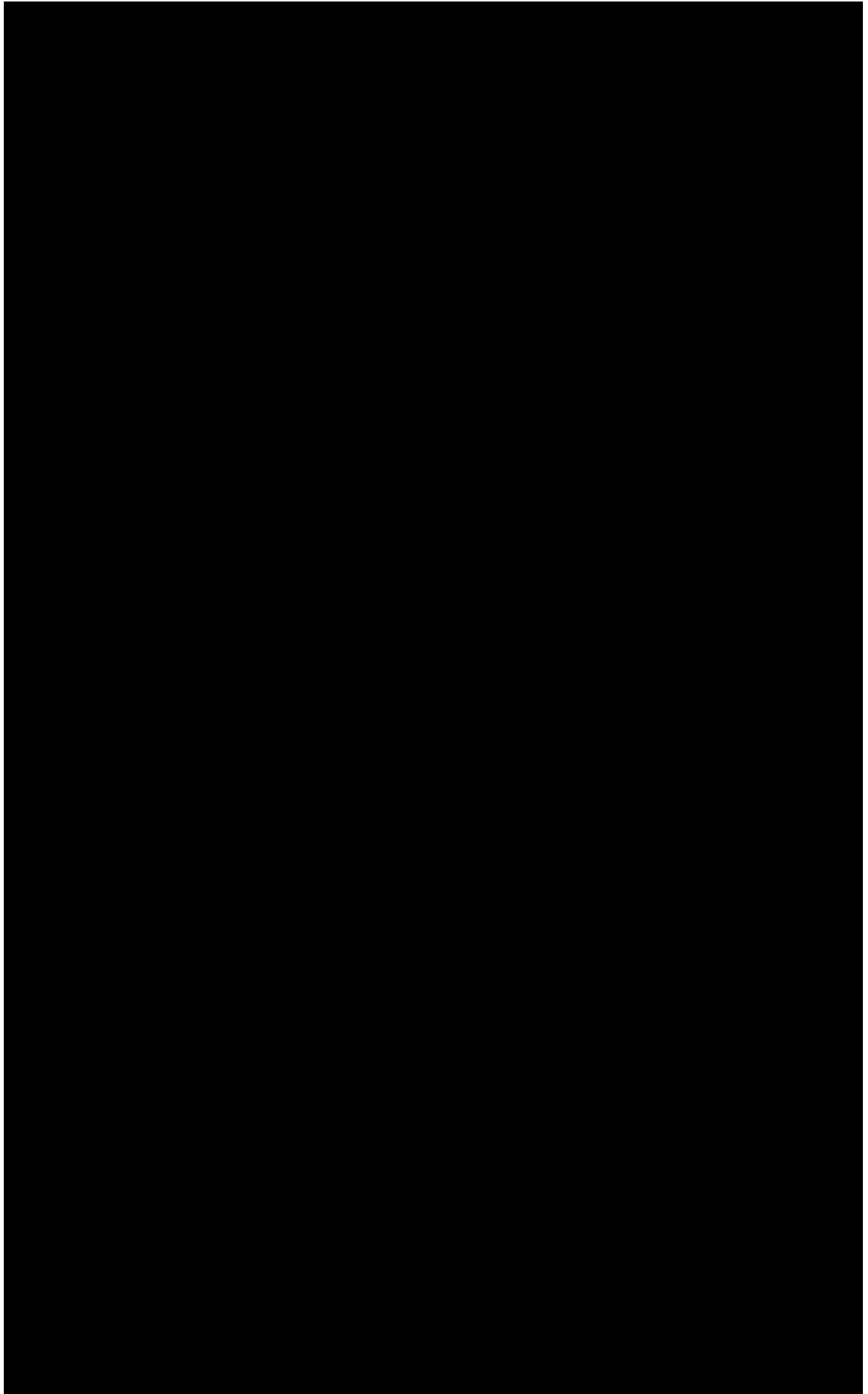
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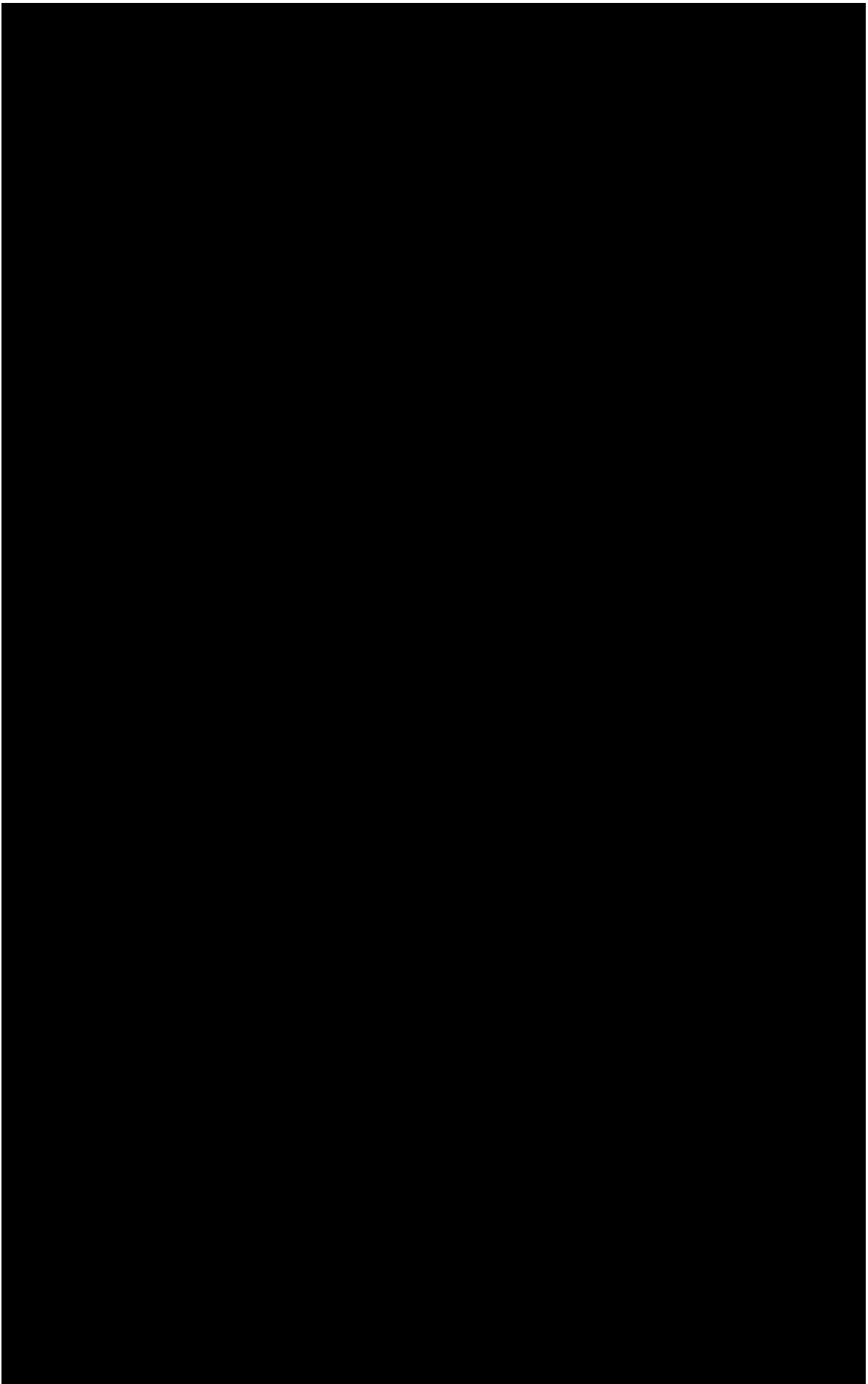
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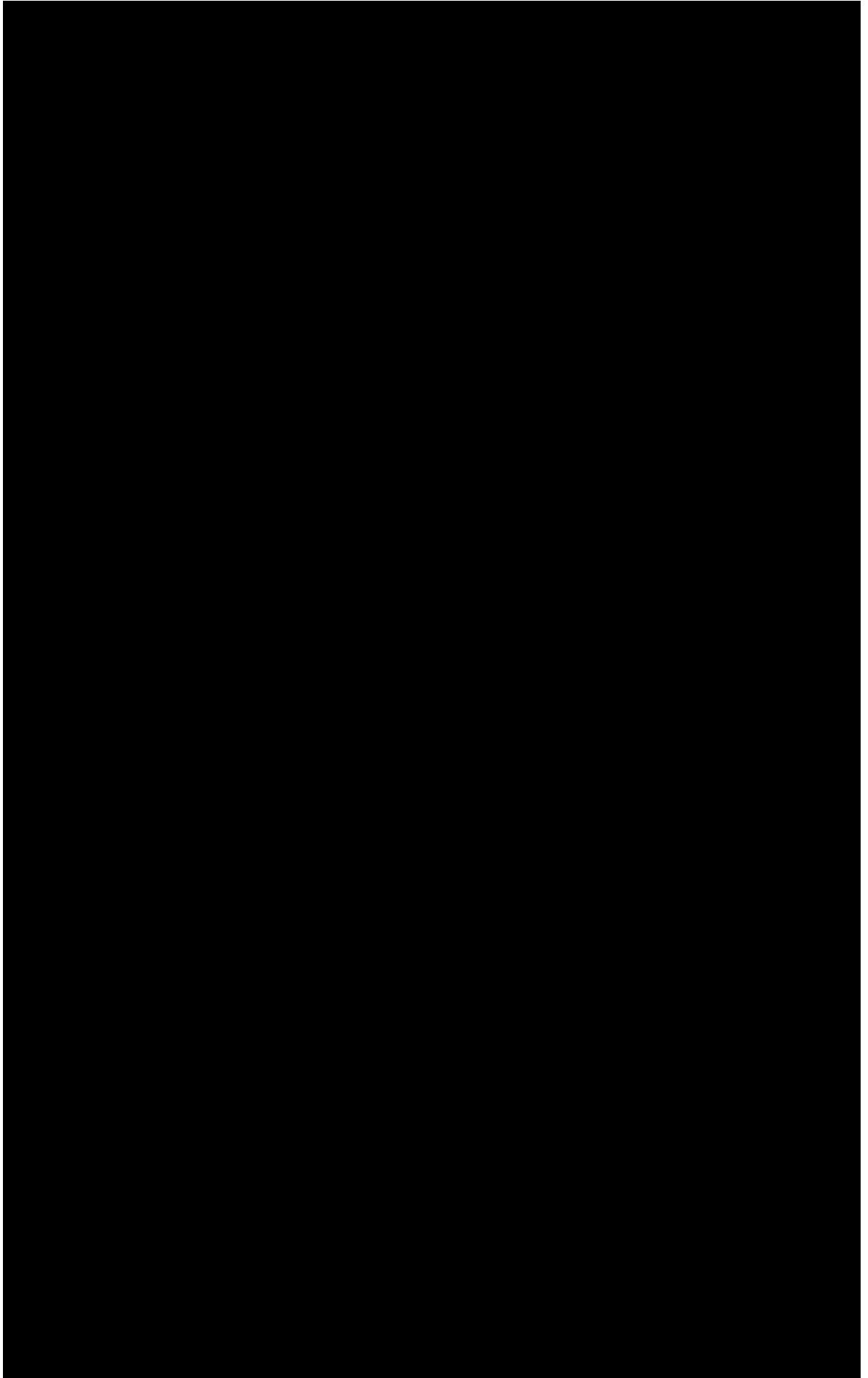
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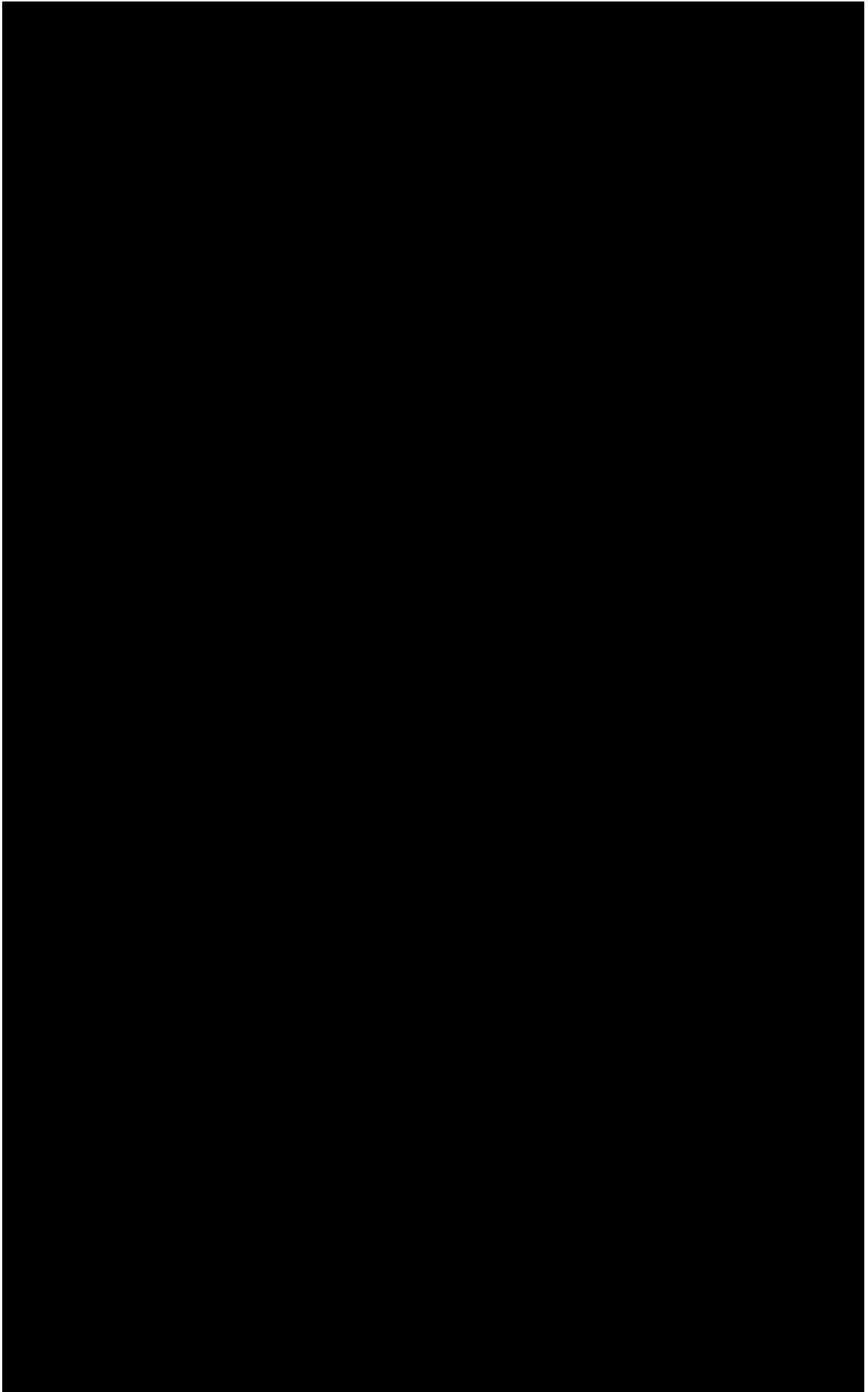
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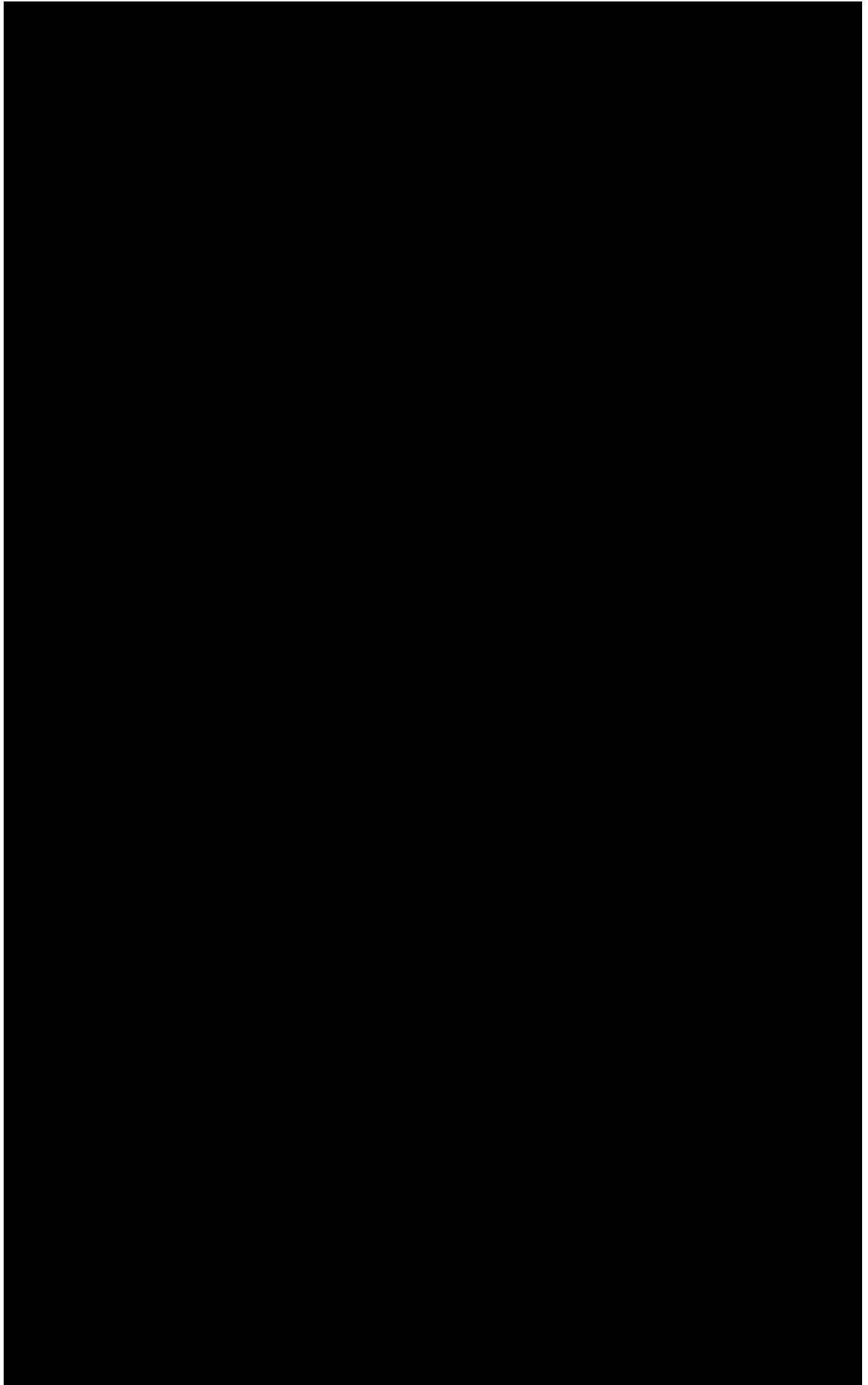
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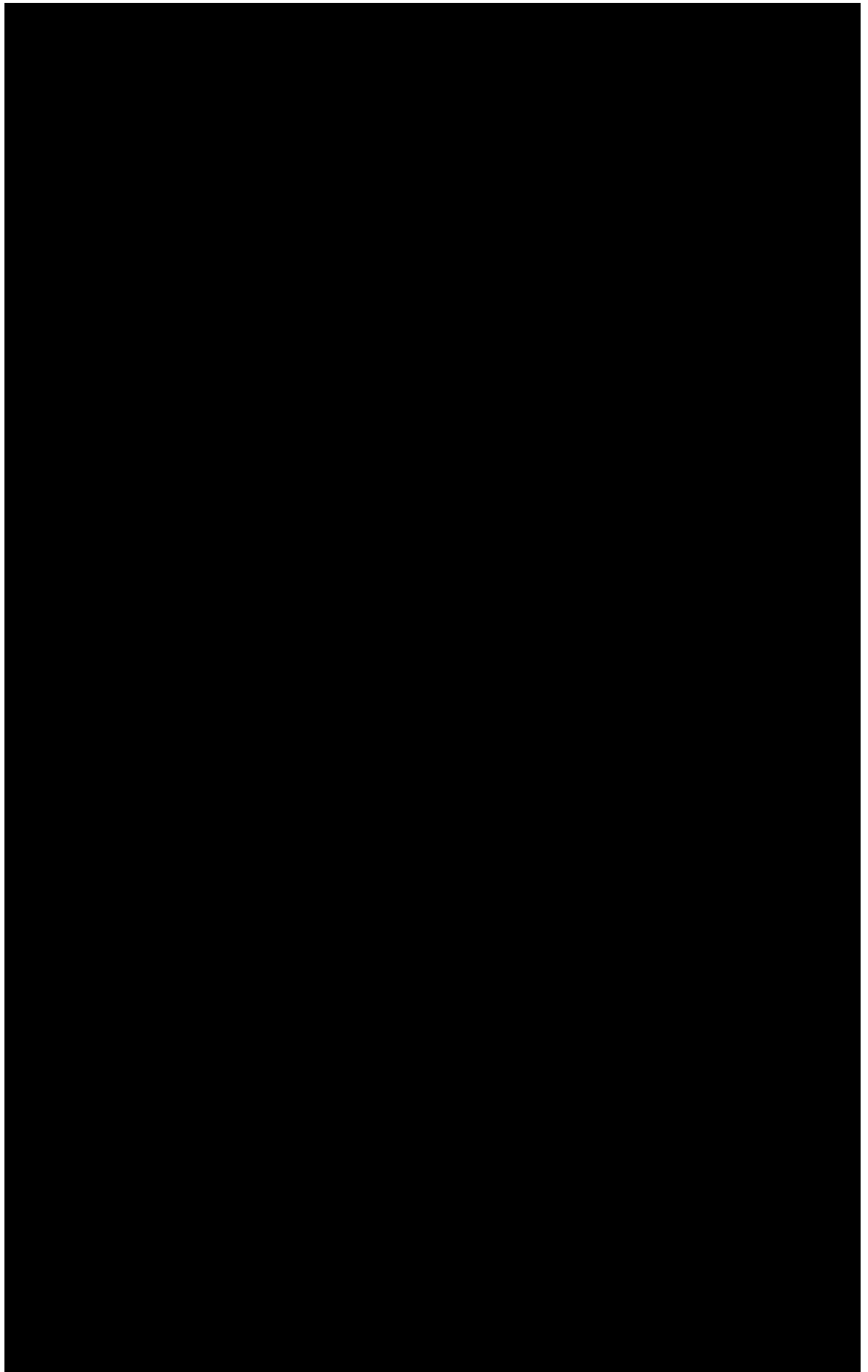
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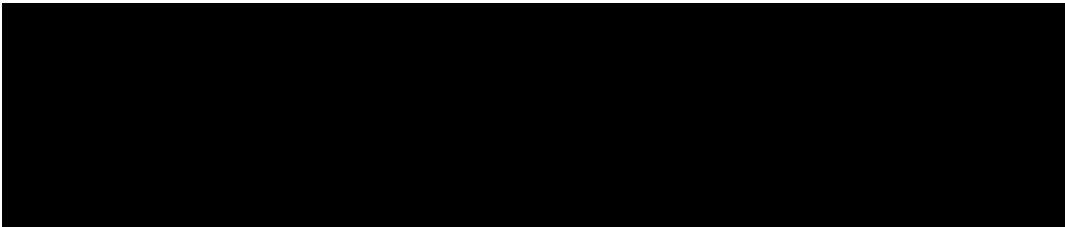
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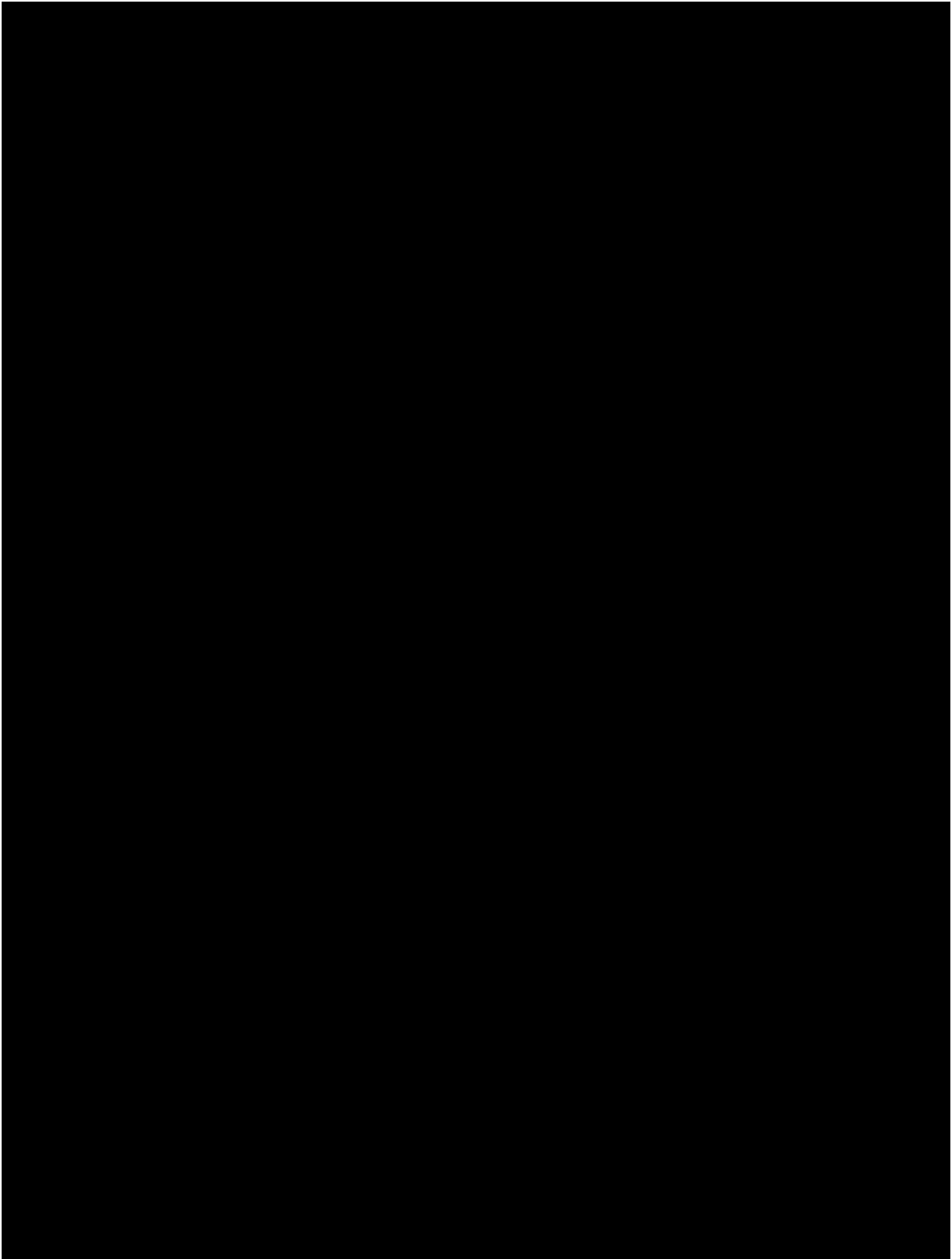
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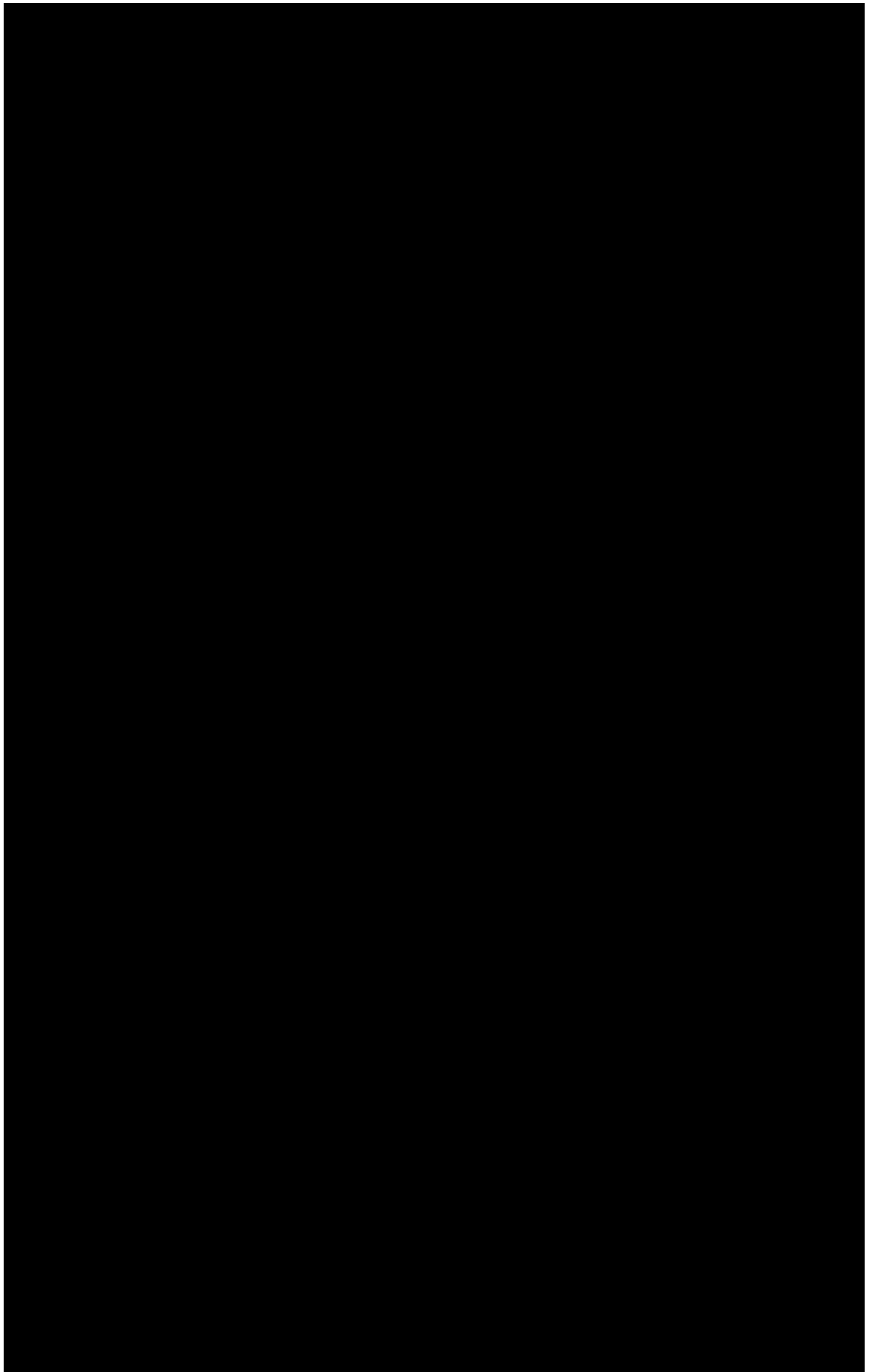
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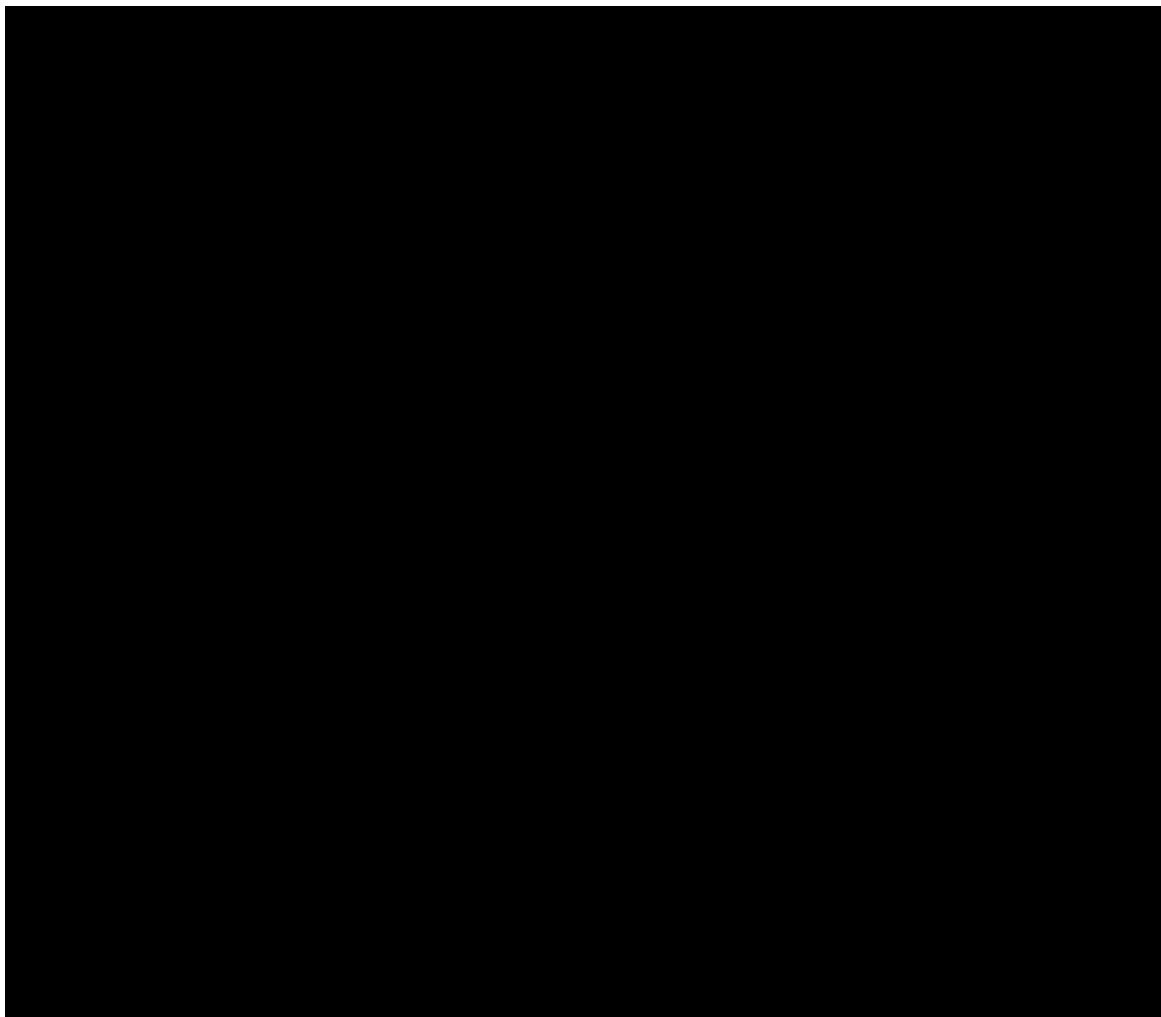
MR. DE ROCHE: Let's go to 231.



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MR. DE ROCHE: I have nothing further.

MS. MILLER: Do you have --

MR. DE ROCHE: We're done.

MS. MILLER: We're going to take -- I'd
ask to have a ten-minute break --

THE VIDEOGRAPHER: The time is --

MS. MILLER: -- to determine whether we
want to review, and we may come back and do a
redirect.

THE VIDEOGRAPHER: The time is 3:59 p.m.
We're going off the record.

1 (Recess.)

2 THE VIDEOGRAPHER: The time is
3 4:16 p.m., and we're back on the record.

4 REDIRECT EXAMINATION

5 BY MR. BAKER:

6 Q Ms. Hinkle, have you --

7 THE VIDEOGRAPHER: Hold on. Thank you.

8 BY MR. BAKER:

9 Q Have you been employed for 41 straight
10 years with CVS?

11 A Yes, sir, I have.

12 Q Have you been employed anywhere else
13 during that 41 years?

14 A No, sir, I have not.

15 Q How old were you when you went to work
16 for them?

17 A I was right out of high school. I was
18 18, I believe.

19 Q Okay. So that would you make you how
20 old right now, 59?

21 MS. MILLER: Object to form.

22 BY MR. BAKER:

23 Q Is that right?

24 A 60.

1 Q Okay. Do you plan to retire at CVS?

2 MS. MILLER: Object to form.

3 THE WITNESS: Yes, sir, I do plan to
4 retire at CVS.

5 BY MR. BAKER:

6 Q Do you consider CVS part of your family?

7 MS. MILLER: Object to form.

8 BY MR. BAKER:

9 Q If you've been with them 41 years?

10 MS. MILLER: Object to form.

11 THE WITNESS: I have a high respect for
12 my job and for my company --

13 BY MR. BAKER:

14 Q Sure.

15 A -- as I do anybody -- anything.

16 Q I understand.

17 So let me show you Exhibit No. 40.

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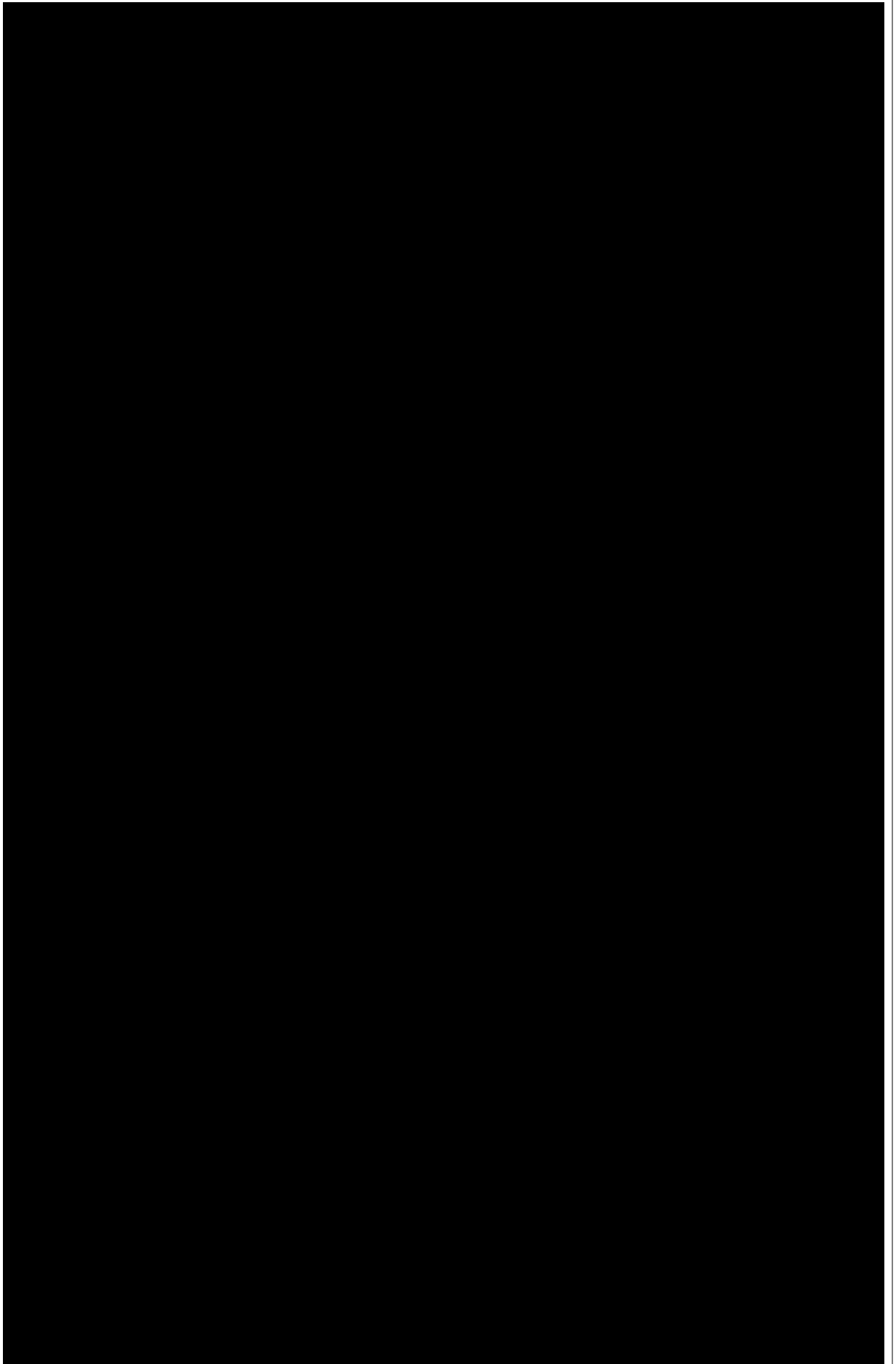
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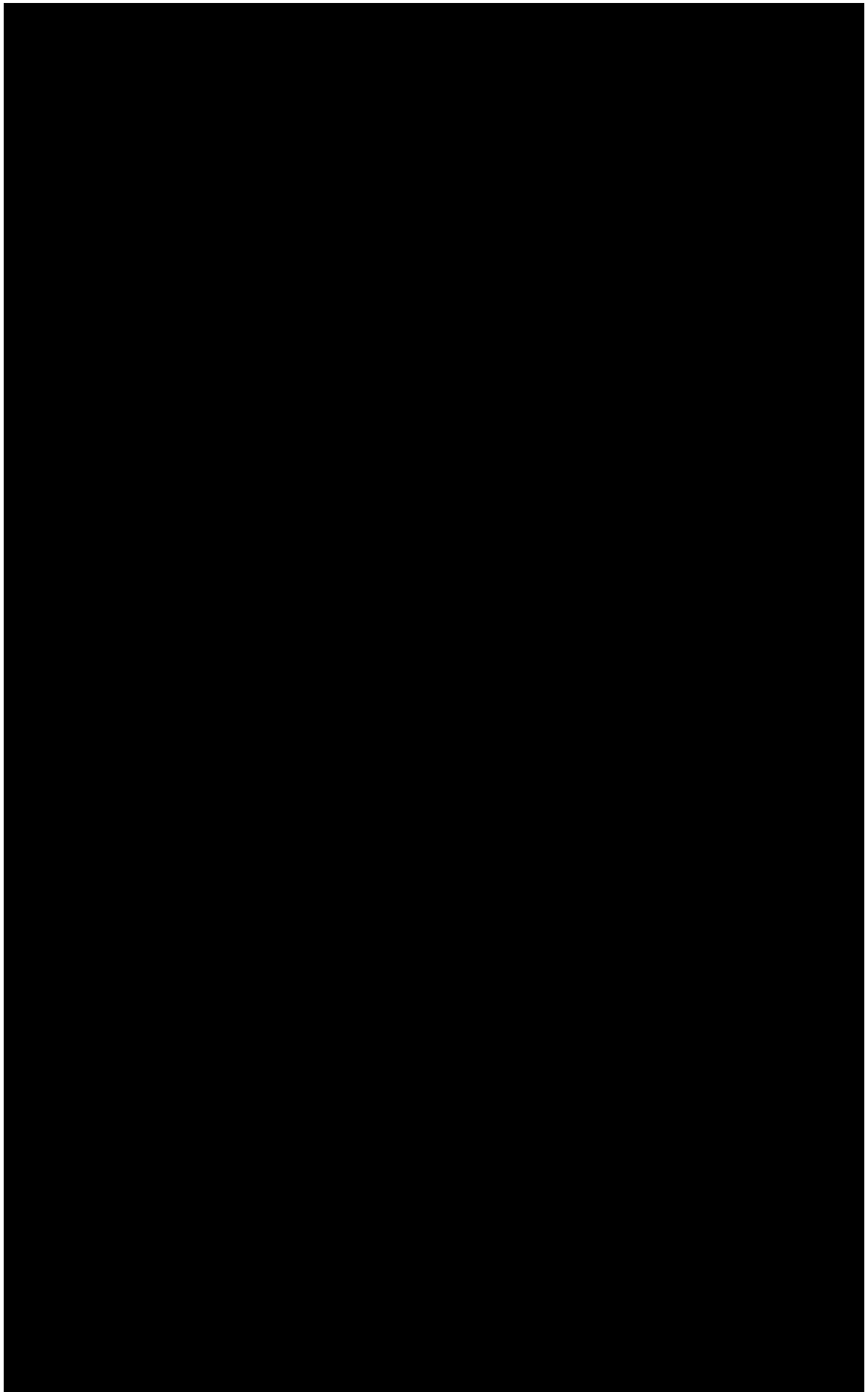
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23 MR. BAKER: Thank you very much. No
24 further questions.

1 MS. MILLER: No questions.

2 THE VIDEOGRAPHER: Okay. The time is
3 4:21 p.m., January 24, 2019. Going off the
4 record, concluding the videotaped deposition.

5 (Whereupon, the deposition of
6 PAMELA HINKLE was concluded
7 at 4:21 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2 The undersigned Certified Shorthand Reporter
3 does hereby certify:

4 That the foregoing proceeding was taken before
5 me at the time and place therein set forth, at which
6 time the witness was duly sworn; That the testimony
7 of the witness and all objections made at the time
8 of the examination were recorded stenographically by
9 me and were thereafter transcribed, said transcript
10 being a true and correct copy of my shorthand notes
11 thereof; That the dismantling of the original
12 transcript will void the reporter's certificate.

13 In witness thereof, I have subscribed my name
14 this date: January 28, 2019.

15

16

17

18 _____
LESLIE A. TODD, CSR, RPR

19 Certificate No. 5129

20 (The foregoing certification of
21 this transcript does not apply to any
22 reproduction of the same by any means,
23 unless under the direct control and/or
24 supervision of the certifying reporter.)

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition. It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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4 PAGE LINE CHANGE

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24 REASON:

ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby
certify that I have read the foregoing pages, and
that the same is a correct transcription of the
answers given by me to the questions therein
propounded, except for the corrections or changes in
form or substance, if any, noted in the attached
Errata Sheet.

PAMELA HINKLE

DATE

Subscribed and sworn to

before me this

_____ day of _____, 20____.

My commission expires: _____

Notary Public